

HOUSE JOURNAL

SEVENTY-EIGHTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

EIGHTIETH DAY — WEDNESDAY, MAY 28, 2003

The house met at 2:20 p.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 761).

Present — Mr. Speaker; Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Absent, Excused — Hope.

Absent — Coleman; Noriega.

LEAVES OF ABSENCE GRANTED

On motion of Representative Reyna and by unanimous consent, all members who were granted leaves of absence on the previous legislative day were granted leaves for this legislative day.

RULES SUSPENDED

Representative Reyna moved to suspend all necessary rules in order to take up and consider at this time, on third reading and final passage, the bills on the local, consent, and resolutions calendar which were considered on the previous legislative day.

The motion prevailed without objection.

MOTION FOR ONE RECORD VOTE

On motion of Representative Reyna and by unanimous consent, the house agreed to use the first record vote taken for all those bills on the local, consent, and resolutions calendar that require a record vote on third reading and final passage, with the understanding that a member may record an individual vote on any bill with the journal clerk.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR THIRD READING

The following bills which were considered on second reading on the previous legislative day on the local, consent, and resolutions calendar were laid before the house, read third time, and passed by the following record vote (members registering votes and the results of the vote are shown following bill number).

(Record 762): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Zedler.

Present, not voting — Mr. Speaker; Turner(C).

Absent, Excused — Hope.

Absent — Coleman; Noriega; Wong.

STATEMENT OF VOTE

When Record No. 762 was taken, I was in the house but away from my desk. I would have voted yes.

Wong

SB 5

SB 6

SB 18

SB 24

SB 51

SB 92

SB 103

SB 113

SB 115

SB 258

SB 315 (Seaman - present, not voting) (143 - 0 - 3)

SB 315 - REASON FOR VOTE

On **SB 315** I would like to be shown as present, not voting. I own extensive properties in San Patricio County, and I would like to recuse myself from voting for or against this measure. If this vote was not a conflict of interest for me, I would be voting no to stop the increase of taxes on my constituents in Nueces, San Patricio, and Aransas counties. Within this statement I fully support Del Mar College and the important role it plays for the Coastal Bend, and I acknowledge their need for more funding.

Seaman

SB 322

SB 325

SB 463

SB 467

SB 480

SB 485

SB 487

SB 637

SB 674

SB 681

SB 688

SB 739

SB 741

SB 757

SB 767

SB 841

SB 902

SB 923

SB 968

SB 972

SB 1000

SB 1007

SB 1019

SB 1109

SB 1128

SB 1143

SB 1155

SB 1159

SB 1180

SB 1192

SB 1225

SB 1230

SB 1262

SB 1362

SB 1388

SB 1463

SB 1470

SB 1472

SB 1484

SB 1488

SB 1494

SB 1521

SB 1546

SB 1614

SB 1642

SB 1665

SB 1700

SB 1705

SB 1725

SB 1748

SB 1765

SB 1782

SB 1784

SB 1820

SB 1885

SB 1888

SB 1897

SB 1899

SB 1912

SB 1925

SB 1930

SB 1932

SB 1933

SB 1936

SB 1941

SB 1948

SB 1955

The following bills which were considered on second reading on the previous legislative day on the local, consent, and resolutions calendar were laid before the house, read third time, and passed by a voice vote (members registering votes are shown following bill number):

SB 19

SB 20

SB 25

SB 88

SB 176

SB 216

SB 245

SB 292

SB 356

SB 392

SB 439

SB 494

SB 581

SB 582

SB 599

SB 613

SB 769

SB 791

SB 802

SB 805

SB 810

SB 815

SB 837

SB 879

SB 891

SB 895

SB 905

SB 1038

SB 1053

SB 1073

SB 1082

SB 1105

SB 1107

SB 1114

SB 1117

SB 1127

SB 1129

SB 1154

SB 1161

SB 1165

SB 1215

SB 1245

SB 1252

SB 1273

SB 1276

SB 1315

SB 1318

SB 1343

SB 1367
SB 1382
SB 1387
SB 1419
SB 1459
SB 1460
SB 1461
SB 1465
SB 1481
SB 1551
SB 1559
SB 1570
SB 1571
SB 1582
SB 1633
SB 1643
SB 1659
SB 1708
SB 1794
SB 1803
SB 1804
SB 1805
SB 1807
SB 1811
SB 1826
SB 1876
SB 1902
SB 1904
SB 1915
SB 1923
SB 1928
SB 1935
SB 1940

MOTION TO CONFORM CAPTIONS

Representative Reyna moved to conform the captions of the senate bills taken up in lieu of the house bills to the house bills' caption.

The motion prevailed without objection.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 39).

HB 2185 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Geren called up with senate amendments for consideration at this time,

HB 2185, A bill to be entitled An Act relating to the issuance of a certificate of death by catastrophe.

On motion of Representative Geren, the house concurred in the senate amendments to **HB 2185**.

Senate Committee Substitute

HB 2185, A bill to be entitled An Act relating to the issuance of a certificate of death by catastrophe.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 193, Health and Safety Code, is amended by adding Section 193.010 to read as follows:

Sec. 193.010. CERTIFICATE OF DEATH BY CATASTROPHE. (a) In this section, "catastrophe" means the occurrence of a substantial force that causes widespread or severe damage, injury, or loss of life or property and from which it is not reasonable to assume that a person could survive, including:

(1) flood, earthquake, tornado, or other natural disaster;
(2) explosion, fire, or destruction of a building;
(3) the crash of a motor vehicle, train, or airplane involving more than one person; or

(4) the overtaking of more than one person by fire, water, earth, or other substance.

(b) A local registrar shall issue and file a certificate of death by catastrophe for a person if:

(1) an affidavit is submitted to the registrar stating that:
(A) the person was last reasonably believed to be at the scene of a catastrophe;

(B) at least 10 days have passed since the day of the catastrophe;
(C) a diligent search has been made by a governmental authority and the authority has concluded the search for the person;

(D) the catastrophe was not intentionally caused by the person; and
(E) the affiant:
(i) does not know whether the person is alive or dead;

(ii) has not received any information about the person's status since the catastrophe and, barring the person's death, would have received information about the person's status;

(iii) is not aware of any custody or guardianship issues involving the person, if the person is a minor or a person for whom a guardian has been appointed; and

(iv) is not aware of any reasonable motive for the person to disappear or for another person to abduct the person; and

(2) a written statement signed by an agent of the governmental authority that conducts a search under Subdivision (1)(C) is submitted to the registrar stating that the governmental authority conducted and concluded a search for the person.

(c) The department may issue a certificate of death by catastrophe for a minor or a person for whom a guardian has been appointed who is the subject of a custody or guardianship dispute only if all parties to the dispute submit an affidavit under Subsection (b).

(d) An insurer shall accept as proof of death of an insured a certificate of death by catastrophe issued under this section.

SECTION 2. This Act takes effect September 1, 2003.

HB 2529 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Madden called up with senate amendments for consideration at this time,

HB 2529, A bill to be entitled An Act relating to providing a grace period for enforcement actions against a small water supply, sewer, wastewater treatment, or solid waste disposal service being integrated into a regional service.

On motion of Representative Madden, the house concurred in the senate amendments to **HB 2529** by (Record 763): 135 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Burnam; Campbell; Canales; Capelo; Casteel; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Seaman; Smith, T.; Smith, W.;

Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Turner(C).

Absent, Excused — Hope.

Absent — Branch; Callegari; Castro; Coleman; Davis, Y.; Dukes; Garza; Luna; Miller; Noriega; Rose; Wilson.

STATEMENTS OF VOTE

When Record No. 763 was taken, I was temporarily out of the house chamber. I would have voted yes.

Callegari

When Record No. 763 was taken, I was in the house but away from my desk. I would have voted yes.

Miller

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 2529** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 7.0026, Water Code (page 1, lines 19-27), beginning with "the commission may not", strike the remainder of the added language and substitute "the commission may enter into a compliance agreement with the regional service under which the commission will not initiate an enforcement action against the regional service for existing or anticipated violations resulting from the operation by the regional service of the service being integrated. A compliance agreement under this section must include provisions necessary to bring the service being integrated into compliance."

(2) In SECTION 2 of the bill (page 1, line 28), strike "(a)".

(3) In SECTION 2 of the bill (page 1, lines 33-42), strike Subsection (b).

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Corte on motion of Chavez.

HB 54 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Wolens called up with senate amendments for consideration at this time,

HB 54, A bill to be entitled An Act relating to certain early voting by mail procedures and to the prevention of voting fraud generally; providing criminal penalties.

On motion of Representative Wolens, the house concurred in the senate amendments to **HB 54**.

Senate Committee Substitute

HB 54, A bill to be entitled An Act relating to certain early voting by mail procedures and to the prevention of voting fraud generally; providing criminal penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1.012, Election Code, is amended by adding Subsection (d) to read as follows:

(d) In this code, "election record" includes:

- (1) anything distributed or received by government under this code;
- (2) anything required by law to be kept by others for information of government under this code; or
- (3) a certificate, application, notice, report, or other document or paper issued or received by government under this code.

SECTION 2. Chapter 1, Election Code, is amended by adding Sections 1.017, 1.018, and 1.019 to read as follows:

Sec. 1.017. INELIGIBILITY NO DEFENSE TO PROSECUTION. It is no defense to prosecution under this code that a person who receives an official ballot is ineligible to vote in the election for which the ballot is received.

Sec. 1.018. APPLICABILITY OF PENAL CODE. In addition to Section 1.03, Penal Code, and to other titles of the Penal Code that may apply to this code, Title 4, Penal Code, applies to offenses prescribed by this code.

Sec. 1.019. REQUIRED EVIDENCE OR TESTIMONY. (a) A party to an offense under this code may be required to furnish evidence or testimony about the offense.

(b) Evidence or testimony required to be furnished under this section, or information directly or indirectly derived from that evidence or testimony, may not be used against the party providing the evidence or testimony in a criminal case except for a prosecution of aggravated perjury or contempt.

SECTION 3. Section 64.012(a), Election Code, is amended to read as follows:

(a) A person commits an offense if the person:

(1) votes or attempts to vote in an election in which the person knows the person is not eligible to vote;

(2) knowingly votes or attempts to vote more than once in an election; ~~or~~

(3) knowingly impersonates another person and votes or attempts to vote as the impersonated person; or

(4) knowingly marks or attempts to mark another person's ballot without the consent of that person.

SECTION 4. Subchapter B, Chapter 64, Election Code, is amended by adding Section 64.0321 to read as follows:

Sec. 64.0321. DEFINITION. For purposes of this subchapter and Sections 85.035 and 86.010, assisting a voter includes the following conduct by a person other than the voter that occurs while the person is in the presence of the voter's ballot or carrier envelope:

- (1) reading the ballot to the voter;

(2) directing the voter to read the ballot;

(3) marking the voter's ballot; or

(4) directing the voter to mark the ballot.

SECTION 5. Sections 64.036(a) and (d), Election Code, are amended to read as follows:

(a) A person commits an offense if the person knowingly:

(1) provides assistance to a voter who is not eligible for assistance;

(2) while assisting a voter prepares the voter's ballot in a way other than the way the voter directs or without direction from the voter; ~~[or]~~

(3) while assisting a voter suggests by word, sign, or gesture how the voter should vote; or

(4) provides assistance to a voter who has not requested assistance or selected the person to assist the voter.

(d) An offense under this section is a Class A ~~[B]~~ misdemeanor.

SECTION 6. Section 81.005, Election Code, is amended to read as follows:

Sec. 81.005. COMMON OR CONTRACT CARRIER. (a) A common or contract carrier may not be used to perform an act in accordance with this title unless the carrier:

(1) is a bona fide, for profit carrier, the primary business of which is transporting or delivering property for compensation and the business practices of which are reasonable and prudent according to the usual standards for the business in which it is engaged;

(2) routinely uses receipts that:

(A) permit the carrier to retrieve a receipt or information contained in a receipt;

(B) provide space for the name and residence address of a person who delivers a parcel to the carrier; and

(C) provide space for the date, time, and address at which parcels are received by the carrier; and

(3) complies with laws requiring the carrier to file an assumed name with each county in which the carrier receives or delivers parcels or with the secretary of state, as appropriate.

(b) A common or contract carrier may not be used to perform an act in accordance with this title if the carrier transports property as an incidental activity of a nontransportation business activity regardless of whether the carrier imposes a separate charge for the transportation.

SECTION 7. Section 84.003, Election Code, is amended to read as follows:

Sec. 84.003. SIGNING APPLICATION BY WITNESS; ASSISTING APPLICANT. (a) An early voting ballot application signed for the applicant by a witness other than the early voting clerk or a deputy must indicate the witness's relationship to the applicant or, if unrelated, indicate that fact.

(b) A person who acts as a witness for an applicant for an early voting ballot application commits an offense if the person knowingly fails to comply with Section 1.011. A person who in the presence of the applicant otherwise

assists an applicant in completing an early voting ballot application commits an offense if the person knowingly fails to comply with Section 1.011(d) in the same manner as a witness.

(c) An offense under this section is a Class A misdemeanor.

(d) Subsection (b) does not apply if the person is related to the applicant within the second degree by affinity or the third degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code, or is registered to vote at the same address as the applicant.

SECTION 8. The heading to Section 84.004, Election Code, is amended to read as follows:

Sec. 84.004. UNLAWFULLY WITNESSING APPLICATION FOR MORE THAN ONE APPLICANT.

SECTION 9. Section 84.0041(b), Election Code, is amended to read as follows:

(b) An offense under this section is a state jail felony unless the person is the applicant, is related to the applicant within the second degree by affinity or the third degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code, or is registered to vote at the same address as the applicant, in which event the offense is a Class A misdemeanor.

SECTION 10. Section 84.011(a), Election Code, is amended to read as follows:

(a) The officially prescribed application form for an early voting ballot must include:

(1) immediately preceding the signature space the statement: "I certify that the information given in this application is true, and I understand that giving false information in this application is a crime.";

(2) a statement informing the applicant of the offenses ~~[offense]~~ prescribed by Sections 84.003 and [Section] 84.004;

(3) spaces for entering an applicant's voter registration number and county election precinct of registration, with a statement informing the applicant that failure to furnish that information does not invalidate the application; and

(4) on an application for a ballot to be voted by mail:

(A) a space for an applicant applying on the ground of absence from the county of residence to indicate the date on or after which the applicant can receive mail at the address outside the county;

(B) a space for indicating the fact that an applicant whose application is signed by a witness cannot make the applicant's mark and a space for indicating the relationship or lack of relationship of the witness to the applicant;

(C) a space for entering an applicant's telephone number, with a statement informing the applicant that failure to furnish that information does not invalidate the application;

(D) a space or box for an applicant applying on the ground of age or disability to indicate that the address to which the ballot is to be mailed is the address of a facility or relative described by Section 84.002(a)(3), if applicable;

(E) a space or box for an applicant applying on the ground of confinement in jail to indicate that the address to which the ballot is to be mailed is the address of a relative described by Section 84.002(a)(4), if applicable;

(F) spaces ~~[a space]~~ for entering the signature, printed name, and residence address of any person assisting the applicant;

(G) a statement informing the applicant of the condition prescribed by Section 81.005; and

(H) a statement informing the applicant of the requirement prescribed by Section 86.003(c).

SECTION 11. Section 84.032, Election Code, is amended by adding Subsection (e) to read as follows:

(e) A request for cancellation in a manner other than as authorized by this section, including a request by letter, has no effect.

SECTION 12. Section 86.004, Election Code, is amended to read as follows:

Sec. 86.004. TIME FOR PROVIDING BALLOT TO VOTER. The balloting materials for voting by mail shall be mailed to a voter entitled to vote by mail not later than the seventh calendar day after the later of the date the clerk accepts the voter's application for a ballot to be voted by mail or the date ~~[voters as soon as practicable after]~~ the ballots become available for mailing, except that if that mailing date is ~~[but not]~~ earlier than the 45th day before election day, the balloting materials shall be mailed not later than the 38th day before election day.

SECTION 13. Chapter 86, Election Code, is amended by adding Section 86.0051 to read as follows:

Sec. 86.0051. CARRIER ENVELOPE ACTION BY PERSON OTHER THAN VOTER; OFFENSES. (a) A person commits an offense if the person acts as a witness for a voter in signing the certificate on the carrier envelope and knowingly fails to comply with Section 1.011.

(b) A person other than the voter who deposits the carrier envelope in the mail or with a common or contract carrier must provide the person's signature, printed name, and residence address on the reverse side of the envelope.

(c) A person commits an offense if the person knowingly violates Subsection (b). It is not a defense to an offense under this subsection that the voter voluntarily gave another person possession of the voter's carrier envelope.

(d) An offense under this section is a Class B misdemeanor, unless the person is convicted of an offense under Section 64.036 for providing unlawful assistance to the same voter in connection with the same ballot, in which event the offense is a state jail felony.

(e) Subsections (a) and (c) do not apply if the person is related to the applicant within the second degree by affinity or the third degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code, or is registered to vote at the same address as the applicant.

SECTION 14. Section 86.006, Election Code, is amended by amending Subsections (a), (d), and (e) and adding Subsections (f), (g), and (h) to read as follows:

(a) A marked ballot voted under this chapter must be returned to the early voting clerk in the official carrier envelope. The carrier envelope may be delivered in another envelope and must be transported and delivered only by mail or by common or contract carrier.

(d) Each carrier envelope that is delivered by a common or contract carrier must be accompanied by an individual delivery receipt for that particular carrier envelope that indicates the name and residence address of the individual who actually delivered the envelope to the carrier and the date, hour, and address at which the carrier envelope was received by the carrier ~~[unless the carrier does not routinely issue a receipt, in which case the secretary of state shall prescribe appropriate procedures for accounting for the delivery]~~. A delivery of carrier envelopes is prohibited by a common or contract carrier if the delivery originates from the address of:

(1) an office ~~[the headquarters]~~ of a political party or a candidate in the election;

(2) a candidate in the election unless the address is the residence of the early voter;

(3) a specific-purpose or general-purpose political committee involved in the election; or

(4) an entity that requested that the election be held, unless the delivery is a forwarding to the early voting clerk.

(e) Carrier envelopes may not be collected and stored at another location for subsequent delivery to the early voting clerk. The secretary of state shall prescribe appropriate procedures to implement this subsection and to provide accountability for the delivery of the carrier envelopes from the voting place to the early voting clerk.

(f) A person commits an offense if the person knowingly possesses an official ballot or official carrier envelope provided under this code to another. Unless the person possessed the ballot or carrier envelope with intent to defraud the voter or the election authority, it is an affirmative defense to prosecution under this subsection that the person, on the date of the offense, was:

(1) related to the voter within the second degree by affinity or the third degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code;

(2) registered to vote at the same address as the voter;

(3) an early voting clerk or a deputy early voting clerk;

(4) a person who possesses the carrier envelope in order to deposit the envelope in the mail or with a common or contract carrier and who provides the information required by Section 86.0051(b) in accordance with that section;

(5) an employee of the United States Postal Service working in the normal course of the employee's authorized duties; or

(6) a common or contract carrier working in the normal course of the carrier's authorized duties if the official ballot is sealed in an official carrier envelope that is accompanied by an individual delivery receipt for that particular carrier envelope.

(g) An offense under Subsection (f) is:

(1) a Class B misdemeanor if the person possesses at least one but fewer than 10 ballots or carrier envelopes unless the person possesses the ballots or carrier envelopes without the consent of the voters, in which event the offense is a state jail felony;

(2) a Class A misdemeanor if the person possesses at least 10 but fewer than 20 ballots or carrier envelopes unless the person possesses the ballots or carrier envelopes without the consent of the voters, in which event the offense is a felony of the third degree; or

(3) a state jail felony if the person possesses 20 or more ballots or carrier envelopes unless the person possesses the ballots or carrier envelopes without the consent of the voters, in which event the offense is a felony of the second degree.

(h) A ballot returned in violation of this section may not be counted. If the early voting clerk determines that the ballot was returned in violation of this section, the clerk shall make a notation on the carrier envelope and treat it as a ballot not timely returned in accordance with Section 86.011(c). If the ballot is returned before the end of the period for early voting by personal appearance, the early voting clerk shall promptly mail or otherwise deliver to the voter a written notice informing the voter that:

(1) the voter's ballot will not be counted because of a violation of this code; and

(2) the voter may vote if otherwise eligible at an early voting polling place or the election day precinct polling place on presentation of the notice.

SECTION 15. Section 86.010, Election Code, is amended by amending Subsection (c) and adding Subsections (e), (f), (g), and (h) to read as follows:

(c) The person assisting the voter must sign a written oath prescribed by Section 64.034 that is part of the certificate on the official carrier envelope.

(e) A person who assists a voter to prepare a ballot to be voted by mail shall enter the person's signature, printed name, and residence address on the official carrier envelope of the voter.

(f) A person commits an offense if the person knowingly fails to provide the information on the official carrier envelope as required by Subsection (e).

(g) An offense under this section is a Class A misdemeanor unless the person is convicted of an offense under Section 64.036 for providing unlawful assistance to the same voter, in which event the offense is a state jail felony.

(h) Subsection (f) does not apply if the person is related to the applicant within the second degree by affinity or the third degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code, or is registered to vote at the same address as the applicant.

SECTION 16. Section 86.013, Election Code, is amended by amending Subsections (b), (d), and (f) and adding Subsection (g) to read as follows:

(b) Spaces [for indicating the identity and date of the election] must appear on the reverse side of the official carrier envelope for:

(1) indicating the identity and date of the election; and

(2) entering the signature, printed name, and residence address of a person other than the voter who deposits the carrier envelope in the mail or with a common or contract carrier.

(d) The following textual material, as prescribed by the secretary of state, must be printed on the reverse side of the official carrier envelope or on a separate sheet accompanying the carrier envelope when it is provided:

(1) the prohibition prescribed by Section 86.006(b);
(2) the conditions for delivery by common or contract carrier prescribed by Sections 81.005 and 86.006; ~~and~~

(3) the requirements for the legal execution and delivery of the carrier envelope;

(4) the prohibition prescribed by Section 86.006(e); and

(5) the offenses prescribed by Sections 86.006(f) and 86.010(f).

(f) The oath of a person assisting a voter must be included on the official carrier envelope as part of the certificate prescribed by Subsection (c).

(g) The secretary of state by rule shall require that a notice informing voters of the telephone number established under Section 31.0055 and the purpose of the telephone number be printed on:

(1) the official carrier envelope; or

(2) an insert enclosed with the balloting materials for voting by mail sent to the voter.

SECTION 17. Section 87.121(f), Election Code, is amended to read as follows:

(f) Information on the roster for a person to whom an early voting mail ballot has been sent is not available for public inspection, except to the voter seeking to verify that the information pertaining to the voter is accurate, until the first business day after:-

~~[(1) 72 hours after the time a ballot is mailed to the voter; or~~

~~[(2) 48 hours after the time a ballot is mailed to the voter if the mailing occurs on the fourth day before] election day.~~

SECTION 18. Section 87.121, Election Code, is amended by adding Subsection (h) to read as follows:

(h) Information on the roster for a person who votes an early voting ballot by mail shall be made available for public inspection not later than the day following the day the early voting clerk receives a ballot voted by mail.

SECTION 19. Chapter 276, Election Code, is amended by adding Section 276.010 to read as follows:

Sec. 276.010. UNLAWFUL BUYING AND SELLING OF BALLOTING MATERIALS. (a) A person commits an offense if the person buys, offers to buy, sells, or offers to sell an official ballot, official ballot envelope, official carrier envelope, signed application for an early voting mail ballot, or any other original election record.

(b) This section does not apply to a person who executes a written contract for the procurement of election supplies necessary to conduct an election under Section 51.003.

(c) An offense under this section is a state jail felony unless a voter sells a ballot, ballot envelope, or carrier envelope that has been provided to the voter by government, in which event the offense is a Class B misdemeanor.

SECTION 20. Section 31.03(e), Penal Code, is amended to read as follows:

(e) Except as provided by Subsection (f), an offense under this section is:

(1) a Class C misdemeanor if the value of the property stolen is less than:

(A) \$50; or

(B) \$20 and the defendant obtained the property by issuing or passing a check or similar sight order in a manner described by Section 31.06;

(2) a Class B misdemeanor if:

(A) the value of the property stolen is:

(i) \$50 or more but less than \$500; or

(ii) \$20 or more but less than \$500 and the defendant obtained the property by issuing or passing a check or similar sight order in a manner described by Section 31.06; or

(B) the value of the property stolen is less than:

(i) \$50 and the defendant has previously been convicted of any grade of theft; or

(ii) \$20, the defendant has previously been convicted of any grade of theft, and the defendant obtained the property by issuing or passing a check or similar sight order in a manner described by Section 31.06;

(3) a Class A misdemeanor if the value of the property stolen is \$500 or more but less than \$1,500;

(4) a state jail felony if:

(A) the value of the property stolen is \$1,500 or more but less than \$20,000, or the property is less than 10 head of cattle, horses, or exotic livestock or exotic fowl as defined by Section 142.001, Agriculture Code, or any part thereof under the value of \$20,000, or less than 100 head of sheep, swine, or goats or any part thereof under the value of \$20,000;

(B) regardless of value, the property is stolen from the person of another or from a human corpse or grave;

(C) the property stolen is a firearm, as defined by Section 46.01;
[ef]

(D) the value of the property stolen is less than \$1,500 and the defendant has been previously convicted two or more times of any grade of theft;
or

(E) the property stolen is an official ballot or official carrier envelope for an election;

(5) a felony of the third degree if the value of the property stolen is \$20,000 or more but less than \$100,000, or the property is:

(A) 10 or more head of cattle, horses, or exotic livestock or exotic fowl as defined by Section 142.001, Agriculture Code, stolen during a single transaction and having an aggregate value of less than \$100,000; or

(B) 100 or more head of sheep, swine, or goats stolen during a single transaction and having an aggregate value of less than \$100,000;

(6) a felony of the second degree if the value of the property stolen is \$100,000 or more but less than \$200,000; or

(7) a felony of the first degree if the value of the property stolen is \$200,000 or more.

SECTION 21. Section 37.01(2), Penal Code, is amended to read as follows:

(2) "Governmental record" means:

(A) anything belonging to, received by, or kept by government for information, including a court record;

(B) anything required by law to be kept by others for information of government;

(C) a license, certificate, permit, seal, title, letter of patent, or similar document issued by government, by another state, or by the United States; [✗]

(D) a standard proof of motor vehicle liability insurance form described by Section 601.081, Transportation Code, a certificate of an insurance company described by Section 601.083 of that code, a document purporting to be such a form or certificate that is not issued by an insurer authorized to write motor vehicle liability insurance in this state, an electronic submission in a form described by Section 502.153(i), Transportation Code, or an evidence of financial responsibility described by Section 601.053 of that code; or

(E) an official ballot or other election record.

SECTION 22. In the enforcement of the provisions of this Act, a district or county attorney may not, for the purpose of intimidating a group of voters, prosecute a person on account of the person's race, ethnicity, or age. A violation of this section may be prosecuted under Section 36.03 or 39.03, Penal Code.

SECTION 23. The changes in law made by this Act apply only to an election for which the action ordering the election is taken on or after the effective date of this Act. An election for which the action ordering the election is taken before the effective date of this Act is governed by the law in effect on the date that action is taken, and the former law is continued in effect for this purpose.

SECTION 24. This Act takes effect September 1, 2003.

HB 803 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Geren called up with senate amendments for consideration at this time,

HB 803, A bill to be entitled An Act relating to the assessment of damages in a condemnation proceeding based on the market value of groundwater rights as property apart from the land.

On motion of Representative Geren, the house concurred in the senate amendments to **HB 803**.

Senate Committee Substitute

HB 803, A bill to be entitled An Act relating to the authority of political subdivisions to exercise the power of eminent domain to acquire rights to water and the assessment of damages in condemnation proceedings initiated for that purpose.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 21, Property Code, is amended by adding Section 21.0121 to read as follows:

Sec. 21.0121. CONDEMNATION TO ACQUIRE WATER RIGHTS.

(a) In addition to the contents prescribed by Section 21.012(b), a condemnation petition filed by a political subdivision of this state for the purpose of acquiring rights to groundwater or surface water must state that the facts to be proven are that the political subdivision has:

(1) prepared a drought contingency plan;
(2) developed and implemented a water conservation plan that will result in the highest practicable levels of water conservation and efficiency achievable in the political subdivision's jurisdiction;

(3) made a bona fide good faith effort to obtain practicable alternative water supplies to the water rights the political subdivision proposes to condemn;

(4) made a bona fide good faith effort to acquire the rights to the water the political subdivision proposes to condemn by voluntary purchase or lease;
and

(5) made a showing that the political subdivision needs the water rights to provide for the domestic needs of the political subdivision within the next 10-year period.

(b) A court shall deny the right to condemn unless the political subdivision proves to the court that the political subdivision has met the requirements of Subsection (a).

SECTION 2. Subchapter C, Chapter 21, Property Code, is amended by adding Section 21.0421 to read as follows:

Sec. 21.0421. ASSESSMENT OF DAMAGES: GROUNDWATER RIGHTS. (a) In a condemnation proceeding initiated by a political subdivision under this chapter, the special commissioners or court shall admit evidence relating to the market value of groundwater rights as property apart from the land in addition to the local market value of the real property if:

(1) the political subdivision proposes to condemn the fee title of real property; and

(2) the special commissioners or court finds, based on evidence submitted at the hearing, that the real property may be used by the political subdivision to develop or use the rights to groundwater for a public purpose.

(b) The evidence submitted under Subsection (a) on the market value of the groundwater rights as property apart from the land shall be based on generally accepted appraisal methods and techniques, including the methods of appraisal under Subchapter A, Chapter 23, Tax Code.

(c) If the special commissioners or court finds that the real property may be used by the political subdivision to develop or use the rights to groundwater for a public purpose, the special commissioners or court may assess damages to the property owner based on:

(1) the local market value of the real property, excluding the value of the groundwater in place, at the time of the hearing; and

(2) the market value of the groundwater rights as property apart from the land at the time of the hearing.

(d) In assessing damages based on the market value of groundwater rights under Subsection (c)(2), the special commissioners or court shall consider:

(1) the amount of groundwater the political subdivision can reasonably be expected to produce from the property on an annual basis;

(2) the number of years the political subdivision can reasonably be expected to produce groundwater from the property;

(3) the quality of the groundwater;

(4) the location of the real property in relation to the political subdivision for conveyance purposes;

(5) any potential environmental impact of producing groundwater from the real property;

(6) whether or not the real property is located within the boundaries of a political subdivision that can regulate the production of groundwater from the real property;

(7) the cost of alternative water supplies to the political subdivision;
and

(8) any other reasonable factor that affects the market value of a groundwater right.

(e) This section does not:

(1) authorize groundwater rights appraised separately from the real property under this section to be appraised separately from real property for property tax appraisal purposes; or

(2) subject real property condemned for the purpose described by Subsection (a) to an additional tax as provided by Section 23.46 or 23.55, Tax Code.

SECTION 3. (a) This Act takes effect September 1, 2003.

(b) Section 21.0421, Property Code, as added by this Act, does not affect any litigation pending on the effective date of this Act that relates to the assessment of damages in a condemnation proceeding under Chapter 21, Property Code.

HB 1518 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Dutton called up with senate amendments for consideration at this time,

HB 1518, A bill to be entitled An Act relating to accountability for public school dropouts and students at risk of dropping out of school and to the evaluation of school campuses.

On motion of Representative Dutton, the house concurred in the senate amendments to **HB 1518** by (Record 764): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Turner(C).

Absent, Excused — Corte; Hope.

Absent — Canales; Coleman; Gallego; Haggerty; Noriega; Rose; Telford.

Senate Committee Substitute

HB 1518, A bill to be entitled An Act relating to accountability for public school dropouts and students at risk of dropping out of school and to the evaluation of school campuses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 29.081(c), Education Code, is amended to read as follows:

(c) Each school district shall evaluate and document the effectiveness of the accelerated instruction in reducing any disparity in performance on assessment instruments administered under Subchapter B, Chapter 39, or disparity in the rates of high school completion between students at risk of dropping out of school and all other district students. The evaluation shall include an analysis of the effectiveness of each program described in the campus and district improvement plans for reducing the disparities described by this subsection. The commissioner shall ensure that each school district complies with this subsection.

SECTION 2. Subchapter C, Chapter 29, Education Code, is amended by adding Section 29.088 to read as follows:

Sec. 29.088. DROPOUT DATA OVERSIGHT. The Legislative Budget Board, the office of the state auditor, and the comptroller shall review the agency's standards and definitions for dropouts and students completing school before the agency implements the standards and definitions.

SECTION 3. Sections 42.152(d) and (r), Education Code, are amended to read as follows:

(d) The agency shall systematically evaluate the effectiveness of accelerated instruction and support programs provided under Section 29.081 for students at risk of dropping out of school. The agency shall organize and share the information it collects during its evaluation with local districts.

(r) The commissioner shall adopt rules under which the commissioner must grant a one-year exemption from the requirements of Subsection (q) [(e)] to a school district that consistently achieves significant reductions in the disparity in performance between students described by Section 29.081(d) and all other students. The commissioner may not grant an exemption to a district that does not make consistent significant progress in reducing its dropout rate [in which the group of students who have failed to perform satisfactorily in the preceding school year on an assessment instrument required under Section 39.023(a), (e), or (f) subsequently performs on those assessment instruments at a level that meets or exceeds a level prescribed by commissioner rule]. Each year the commissioner, based on the most recent information available, shall determine if a school district is entitled to an exemption for the following school year and notify the district and the district's board of trustees of that determination.

SECTION 4. This Act applies beginning with the 2003-2004 school year.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 1518** by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS accordingly:

SECTION _____. Section 39.072, Education Code, is amended by adding Subsection (d) to read as follows:

(d) For purposes of Subsection (c), the board of trustees of a school district may decide whether a student who attends a program serving students who are pregnant or who are parents that is based at a single campus but serves students from more than one campus is considered to be:

(1) a student at the campus to which the student is regularly assigned;

or

(2) a student at the campus that the student actually attends.

HB 2071 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Pitts called up with senate amendments for consideration at this time,

HB 2071, A bill to be entitled An Act relating to variances granted by the Commission on Jail Standards.

On motion of Representative Pitts, the house concurred in the senate amendments to **HB 2071** by (Record 765): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Turner(C).

Absent, Excused — Corte; Hope.

Absent — Coleman; Dukes; Gallego; Hochberg; Noriega; Rose; Villarreal.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 2071** by adding a new SECTION 3 as follows and renumbering subsequent SECTIONS accordingly:

SECTION 3. Section 511.013, Government Code is amended by striking the entire Section and substituting the following:

§511.013 Appeal of Order

(a) A county commissioner or sheriff may seek review of an order issued under Section 511.012(b) by making a written request to the executive director for a contested case hearing not later than the 30th day after the date of receipt of the order.

(b) Procedure and practice in a contested case hearing is governed by Chapter 2001, Government Code and the rules of the commission.

(c) After the contested case hearing, judicial review of the final decision of the commission is governed by Subchapter G, Chapter 2001, Government Code.

HB 3175 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Pitts called up with senate amendments for consideration at this time,

HB 3175, A bill to be entitled An Act relating to the authority of the comptroller of public accounts to manage cash flow by transferring available cash between funds in the custody or under the management of the comptroller; making an appropriation.

(Noreiga now present)

On motion of Representative Pitts, the house concurred in the senate amendments to **HB 3175** by (Record 766): 137 Yeas, 1 Nay, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eissler; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; West; Wilson; Wise; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Eiland.

Present, not voting — Mr. Speaker; Turner(C).

Absent, Excused — Corte; Hope.

Absent — Branch; Coleman; Elkins; Moreno, P.; Oliveira; Smithee; Villarreal; Wolens.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 3175** by striking Section 2 of the bill (page 1, lines 40-48) and by substituting:

SECTION 2. The comptroller is appropriated from the general revenue fund for the fiscal biennium beginning September 1, 2003, the amount needed to return any available cash that was transferred to the general revenue fund from a fund outside the state treasury and needed to maintain the equity of the fund from which the transfer was made, as required by Section 403.092, Government Code, as amended by this Act.

HB 3304 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Guillen called up with senate amendments for consideration at this time,

HB 3304, A bill to be entitled An Act relating to the appointment and duties of a judicial master in the 229th Judicial District.

On motion of Representative Guillen, the house concurred in the senate amendments to **HB 3304**.

Senate Committee Substitute

HB 3304, A bill to be entitled An Act relating to the appointment and duties of an associate judge in the 229th Judicial District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 54, Government Code, is amended by adding Subchapter V to read as follows:

SUBCHAPTER V. ASSOCIATE JUDGES IN DUVAL COUNTY

Sec. 54.1131. APPOINTMENT. The judge of the 229th District Court, with the approval of the Commissioners Court of Duval County, may appoint a full-time or a part-time associate judge to perform the duties authorized by this subchapter.

Sec. 54.1132. QUALIFICATIONS. To be eligible for appointment as an associate judge, a person must:

- (1) be a resident of this state and Duval County; and
- (2) meet the requirements and qualifications to serve as a judge of the court to which the person is appointed.

Sec. 54.1133. COMPENSATION. (a) An associate judge is entitled to the compensation set by the Duval County Commissioners Court.

(b) The salary shall be paid from the county fund available for payments of officers' salaries.

(c) This section does not apply to an associate judge appointed under Section 201.001, Family Code.

Sec. 54.1134. PRIVATE PRACTICE. A part-time associate judge may engage in the private practice of law, unless restricted on a finding that it is not in the public interest by the appointing judge.

Sec. 54.1135. TERMINATION OF SERVICES. (a) An associate judge serves at the will of the judge of the 229th District Court.

(b) This section does not apply to an associate judge appointed under Section 201.001, Family Code.

Sec. 54.1136. REFERRAL OF CASE. (a) The appointing judge may refer to an associate judge any aspect of a civil or criminal case involving a matter over which the referring court has jurisdiction in Duval County.

(b) After notice to all parties of the time and place of hearing, an associate judge may preside over any hearing, including:

- (1) for a civil case, proceedings involving:

(A) a temporary order in an action or suit for support by one spouse against another;

(B) a motion or suit to modify a temporary or final order;

(C) temporary orders in a suit affecting the parent-child relationship;

(D) an application for a temporary injunction related to temporary possession or use of property;

(E) habeas corpus, including any hearing authorized by the Family Code;

(F) a motion to transfer;

(G) a motion of contempt for failure or refusal to obey a temporary or final order;

(H) an action brought under Chapter 159, Family Code;

(I) an action for the protection of the family;

(J) a matter on which the parties agree;

(K) a matter in which a party is entitled to a default judgment;

(L) a divorce action in which a waiver of citation is on file;

(M) a friendly suit; and

(N) any other matter in the jurisdiction of the court, including a pretrial motion, discovery, summary judgment, and other matters governed by the Texas Rules of Civil Procedure; and

(2) for a criminal case, proceedings involving:

(A) a negotiated plea of guilty or nolo contendere;

(B) a bond forfeiture;

(C) a pretrial motion;

(D) a postconviction writ of habeas corpus;

(E) an examining trial; and

(F) any other matter that the judge considers proper.

(c) A judge may not refer to an associate judge any criminal case for trial on the merits in which a jury trial has been requested.

(d) Unless a party files a written objection to the associate judge hearing the trial, the appointing judge may refer to an associate judge a trial on the merits. If an objection is filed, the trial on the merits shall be heard by the referring court.

(e) A trial on the merits is a final adjudication from which an appeal may be taken to a court of appeals.

(f) An associate judge may not conduct a contested trial on the merits to terminate parental rights unless the affected parties give written consent to the contested trial by the associate judge. Unless written consent is given by the affected parties to a contested trial on the merits, any order terminating parental rights issued pursuant to an associate judge's report resulting from the contested trial is void.

(g) On appointment of an associate judge, any pending or future cases may be referred to the associate judge.

Sec. 54.1137. ORDER OF REFERRAL. (a) To refer cases to an associate judge, the referring court must issue an order of referral.

(b) The order of referral may limit the power or duties of an associate judge.

Sec. 54.1138. POWERS. Except as limited by an order of referral, an associate judge may:

- (1) conduct a hearing;
- (2) hear evidence;
- (3) compel production of relevant evidence;
- (4) rule on admissibility of evidence;
- (5) issue summons for the appearance of witnesses;
- (6) examine witnesses;
- (7) swear witnesses for hearings;
- (8) make findings of fact on evidence;
- (9) formulate conclusions of law;
- (10) recommend the judgment to be made in a case;
- (11) regulate all proceedings in a hearing before the associate judge;
- (12) rule on all criminal pretrial motions; and
- (13) perform any act and take any measure necessary and proper for the efficient performance of the associate judge's duties.

Sec. 54.1139. ATTENDANCE OF BAILIFF. A bailiff shall attend a hearing held by an associate judge if directed by the referring court.

Sec. 54.1140. WITNESS. (a) A witness appearing before an associate judge is subject to the penalties for perjury provided by law.

(b) A referring court may issue attachment against and may fine or imprison a witness whose failure to appear before an associate judge after being summoned or whose refusal to answer questions has been certified to the court.

Sec. 54.1141. REPORT TRANSMITTED TO COURT; NOTICE. (a) At the conclusion of any hearing conducted by an associate judge and on the preparation of an associate judge's report, the associate judge shall transmit to the referring court:

- (1) all papers relating to the case; and
- (2) the associate judge's signed and dated report.

(b) After the associate judge's report has been signed, the associate judge shall give notice of the substance of the report to the parties participating in the hearing.

(c) The associate judge's report may contain the associate judge's finding, conclusions, or recommendations. The associate judge's report must be in writing in a form as the referring court may direct. The form may be a notation on the referring court's docket sheet.

(d) The notice required under Subsection (b) may be given in open court or may be given by certified mail, return receipt requested. If the notice is given by certified mail, the associate judge shall certify the date of mailing and the notice is considered to have been given on the third day after the date of mailing.

Sec. 54.1142. NOTICE OF RIGHT TO APPEAL. An associate judge shall give all parties notice of the right of appeal to the judge of the referring court. The notice may be given:

- (1) at the hearing;
- (2) by posting the notice inside or outside the courtroom of the referring court; or

(3) as otherwise directed by the referring court.

Sec. 54.1143. EFFECT OF ASSOCIATE JUDGE'S REPORT PENDING APPEAL. Pending appeal of the associate judge's report to the referring court, the decisions and recommendations of the associate judge are in full force and effect and are enforceable as an order of the referring court, except for the orders providing for incarceration or for the appointment of a receiver.

Sec. 54.1144. JUDICIAL ACTION ON ASSOCIATE JUDGE'S REPORT. After the associate judge's report is filed, and unless the parties have filed a written notice of appeal to the referring court, the referring court may:

(1) adopt, approve, or reject the associate judge's report;

(2) hear further evidence; or

(3) recommit the matter for further proceedings as the referring court considers proper and necessary in the particular circumstances of the case.

Sec. 54.1145. DECREE OR ORDER OF COURT. If an appeal to the referring court is not filed or the right to an appeal to the referring court is waived, the findings and the recommendations of the associate judge become the decree or order of the referring court only on the referring court's signing an order or decree conforming to the associate judge's report.

Sec. 54.1146. APPEAL TO REFERRING COURT. (a) Any party is entitled to a hearing by the judge of the referring court if, not later than three days, computed in the manner provided by Rule 4, Texas Rules of Civil Procedure, after the associate judge gives the notice required by Section 54.1141, an appeal of the associate judge's report is filed with the referring court.

(b) The first day of the appeal time to the referring courts begins on the day after the day on which the associate judge gives the notice required by Section 54.1141.

(c) An appeal to the referring court shall be in writing and must specify the findings and conclusions of the associate judge to which the party objects. The appeal is limited to the findings and conclusions specified in the written appeal.

(d) On appeal to the referring court, the parties may present witnesses as in a hearing de novo on the issues raised in the appeal.

(e) Notice of any appeal to the referring court shall be given to opposing counsel in the manner provided by Rule 21a, Texas Rules of Civil Procedure.

(f) If an appeal to the referring court is filed by a party, any other party may file an appeal to the referring court not later than the seventh day after the date the initial appeal was filed.

(g) The referring court, after notice to the parties, shall hold a hearing on all appeals not later than the 30th day after the date on which the initial appeal was filed with the referring court.

(h) Prior to any hearing before an associate judge, the parties may waive the right of appeal to the referring court. The waiver may be in writing or on the record.

Sec. 54.1147. APPELLATE REVIEW. (a) Failure to appeal to the referring court, by waiver or otherwise, on the approval by the referring court of an associate judge's report does not deprive any party of the right to appeal to or request other relief from a court of appeals or the supreme court.

(b) The date of the signing of an order or judgment by the referring court is the controlling date for the purposes of appeal to or request for other relief from a court of appeals or the supreme court.

Sec. 54.1148. JURY TRIAL DEMANDED. If a jury trial is demanded and a jury fee paid in a trial on the merits, the associate judge shall refer any matters requiring a jury back to the referring court for a full trial before the court and jury.

Sec. 54.1149. INAPPLICABILITY OF SUBCHAPTER TO MASTERS APPOINTED UNDER RULE 171. Masters appointed by the referring court under Rule 171, Texas Rules of Civil Procedure, have all the duties and powers set forth in the order of appointment and are not governed by this subchapter.

Sec. 54.1150. IMMUNITY. An associate judge appointed under this subchapter has the judicial immunity of a district judge.

Sec. 54.1151. COURT REPORTER. (a) A court reporter is not required during a hearing held by an associate judge appointed under this subchapter.

(b) A party, the associate judge, or the referring court may provide for a court reporter during the hearing. The record may be preserved by any other means approved by the associate judge.

(c) The referring court or associate judge may impose on a party as costs the expense of preserving the record.

Sec. 54.1152. FEES. (a) A plaintiff in a civil case before an associate judge shall pay a fee of \$25 for the services of the associate judge.

(b) The clerk of the referring court shall collect the fee and deposit it in the county treasury to be used for court-related purposes.

SECTION 2. This Act takes effect September 1, 2003.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 3304** on page 4, line 38 by deleting the following:

~~Sec. 54.1152. FEES. (a) A plaintiff in a civil case before an associate judge shall pay a fee of \$25 for the services of the associate judge.~~

~~(b) The clerk of the referring court shall collect the fee and deposit it in the county treasury to be used for court-related purposes.~~

HB 212 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Keel called up with senate amendments for consideration at this time,

HB 212, A bill to be entitled An Act relating to the regulation of political signs by a municipality.

On motion of Representative Keel, the house concurred in the senate amendments to **HB 212**.

Senate Committee Substitute

HB 212, A bill to be entitled An Act relating to the regulation of political signs by a municipality.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter Z, Chapter 216, Local Government Code, is amended by adding Section 216.903 to read as follows:

Sec. 216.903. REGULATION OF POLITICAL SIGNS BY MUNICIPALITY. (a) In this section, "private real property" does not include real property subject to an easement or other encumbrance that allows a municipality to use the property for a public purpose.

(b) A municipal charter provision or ordinance that regulates signs may not, for a sign that contains primarily a political message and that is located on private real property with the consent of the property owner:

(1) prohibit the sign from being placed;

(2) require a permit or approval of the municipality or impose a fee for the sign to be placed; or

(3) restrict the size of the sign to a size smaller than that permitted for other signs under the provision or ordinance.

(c) Subsection (b) does not apply to a sign, including a billboard, that contains primarily a political message on a temporary basis and that is generally available for rent or purchase to carry commercial advertising or other messages that are not primarily political.

(d) Subsection (b) does not apply to a sign that:

(1) has an effective area greater than 36 feet;

(2) is more than eight feet high;

(3) is illuminated; or

(4) has any moving elements.

SECTION 2. This Act takes effect September 1, 2003.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 212** (Senate committee printing) in SECTION 1 of the bill, in proposed Section 216.903(b), Local Government Code, by striking Subdivisions (2) and (3) (page 1, lines 24-28) and substituting the following:

(2) require a permit or approval of the municipality or impose a fee for the sign to be placed;

(3) restrict the size of the sign; or

(4) provide for a charge for the removal of a political sign that is greater than the charge for removal of other signs regulated by ordinance.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

HB 329 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative Naishtat called up with senate amendments for consideration at this time,

HB 329, A bill to be entitled an Act relating to the regulation of mold assessors and remediators, civil liability for mold remediation, and insurance coverage on mold claims; providing civil and administrative penalties.

Representative Naishtat moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 329**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 329**: Naishtat, chair; Seaman; Madden; Ritter; and Taylor.

**HB 335 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Hamric called up with senate amendments for consideration at this time,

HB 335, A bill to be entitled an Act relating to the public sale of certain real property; providing penalties.

Representative Hamric moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 335**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 335**: Hamric, chair; Lewis; Pickett; Casteel; and McCall.

**HB 567 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Berman called up with senate amendments for consideration at this time,

HB 567, A bill to be entitled An Act relating to the expulsion of a public school student who assaults, murders, or attempts to murder another student.

On motion of Representative Berman, the house concurred in the senate amendments to **HB 567** by (Record 767): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenber; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.;

Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Turner(C).

Absent, Excused — Corte; Hope.

Absent — Coleman; Farrar.

Senate Committee Substitute

HB 567, A bill to be entitled An Act relating to the expulsion of a public school student who commits certain criminal acts against another student.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 37.007(b), Education Code, is amended to read as follows:

(b) A student may be expelled if the student:

(1) engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Section 42.06, Penal Code, or terroristic threat under Section 22.07, Penal Code; ~~or~~

(2) while on school property or while attending a school-sponsored or school-related activity on or off of school property:

(A) sells, gives, or delivers to another person or possesses, uses, or is under the influence of any amount of:

(i) marihuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.;

(ii) a dangerous drug, as defined by Chapter 483, Health and Safety Code; or

(iii) an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code;

(B) engages in conduct that contains the elements of an offense relating to abusable glue or aerosol paint under Sections 485.031 through 485.035, Health and Safety Code, or relating to volatile chemicals under Chapter 484, Health and Safety Code; or

(C) engages in conduct that contains the elements of an offense under Section 22.01(a)(1), Penal Code, against a school district employee or a volunteer as defined by Section 22.053; or

(3) engages in conduct that contains the elements of any offense listed in Subsection (a)(2)(A) or (C) or the offense of aggravated robbery under Section 29.03, Penal Code, against another student, without regard to whether the conduct occurs on or off of school property or while attending a school-sponsored or school-related activity on or off of school property.

SECTION 2. Section 37.007(b), Education Code, as amended by this Act, applies only to the expulsion of a student who engages in conduct described by that section on or after the effective date of this Act.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

**HB 1020 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Villarreal called up with senate amendments for consideration at this time,

HB 1020, A bill to be entitled An Act relating to the promotion of dependent care benefits for employees.

On motion of Representative Villarreal, the house concurred in the senate amendments to **HB 1020**.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 1020** as follows:

(1) In SECTION 1 of the bill, in proposed Section 81.0046, Labor Code (committee printing page 1, line 21), after Subdivision (2) of that section, insert "and".

(2) In SECTION 1 of the bill, in proposed Section 81.0046, Labor Code (committee printing page 1, line 24), after Subdivision (3) of that section, strike "and" and substitute a period.

(3) In SECTION 1 of the bill, in proposed Section 81.0046, Labor Code (committee printing page 1, lines 25-28), strike Subdivision (4) of that section.

**HB 2377 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Hill called up with senate amendments for consideration at this time,

HB 2377, A bill to be entitled An Act relating to the transfer of property under the jurisdiction of the Texas Department of Transportation.

On motion of Representative Hill, the house concurred in the senate amendments to **HB 2377** by (Record 768): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Martinez Fischer; McCall; McClendon; McReynolds;

Menendez; Mercer; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Turner(C).

Absent, Excused — Corte; Hope.

Absent — Coleman; Driver; Dukes; Grusendorf; Marchant; Merritt; Wise.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 2377** in SECTION 4 of the bill as follows:

(1) In added Section 202.033, Transportation Code, on page 2, between lines 23 and 24 (committee printing), insert the following:

"(c) The department may not transfer a bridge under this section unless it first reviews the proposed recipient's intended use of the bridge and determines that the bridge can be safely used for that purpose."

(2) In added Section 202.033, Transportation Code, on page 2, line 24 (committee printing), strike "(c)" and substitute "(d)".

HB 2703 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Bailey called up with senate amendments for consideration at this time,

HB 2703, A bill to be entitled An Act relating to the testing of certain physical evidence, crime laboratory accreditation, and the admissibility of evidence examined or tested by a crime laboratory.

On motion of Representative Bailey, the house concurred in the senate amendments to **HB 2703** by (Record 769): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez;

Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Turner(C).

Absent, Excused — Corte; Hope.

Absent — Canales; Coleman; Flores; Puente; Telford; Wise.

STATEMENT OF VOTE

When Record No. 769 was taken, my vote failed to register. I would have voted yes.

Coleman

Senate Committee Substitute

HB 2703, A bill to be entitled An Act relating to the testing of certain physical evidence, crime laboratory accreditation, and the admissibility of evidence examined or tested by a crime laboratory.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Article 38.35, Code of Criminal Procedure, is amended to read as follows:

Art. 38.35. FORENSIC ANALYSIS OF EVIDENCE; ADMISSIBILITY.

SECTION 2. Article 38.35(a)(1), Code of Criminal Procedure, is amended to read as follows:

(1) "Forensic analysis" means a medical, chemical, toxicologic, ballistic, or other expert examination or ~~and~~ test performed on physical evidence, including DNA evidence, for the purpose of determining the ~~its~~ connection of the evidence to a criminal action. The term does not include:

(A) latent print examination;

(B) a test of a specimen of breath under Chapter 724, Transportation Code; or

(C) an examination or test excluded by rule under Section 411.0205(c), Government Code.

SECTION 3. Article 38.35, Code of Criminal Procedure, is amended by adding Subsections (d) and (e) to read as follows:

(d) Physical evidence subjected to a forensic analysis, and testimony regarding the evidence, under this article is not admissible in a criminal case if, at the time of the analysis or the time the evidence is submitted to the court, the crime laboratory or other entity conducting the analysis was not accredited by the Department of Public Safety under Section 411.0205, Government Code.

(e) Notwithstanding Subsection (d), physical evidence subjected to a forensic analysis under this article is not inadmissible in a criminal case based solely on the accreditation status of the crime laboratory or other entity conducting the analysis if the laboratory or entity:

(1) has preserved one or more separate samples of the physical evidence for use by the defense attorney or use under order of the convicting court; and

(2) has agreed to preserve those samples until all appeals in the case are final. This subsection expires September 1, 2005.

SECTION 4. Subchapter A, Chapter 411, Government Code, is amended by adding Sections 411.0205, and 411.0206, to read as follows:

Sec. 411.0205. CRIME LABORATORY ACCREDITATION PROCESS.

(a) In this section, "forensic analysis" and "physical evidence" have the meanings assigned by Article 38.35, Code of Criminal Procedure, and "DNA laboratory" has the meaning assigned by Section 411.141.

(b) The director by rule shall establish an accreditation process for crime laboratories, including DNA laboratories, and other entities conducting forensic analyses of physical evidence for use in criminal proceedings.

(c) The director by rule may exempt from the accreditation process established under Subsection (b) a crime laboratory or other entity conducting a forensic analysis of physical evidence for use in criminal proceedings if the director determines that:

(1) independent accreditation is unavailable or inappropriate for the laboratory or entity or the type of examination or test performed by the laboratory or entity;

(2) the type of examination or test performed by the laboratory or entity is admissible under a well-established rule of evidence or a statute other than Article 38.35, Code of Criminal Procedure; and

(3) the type of examination or test performed by the laboratory or entity is routinely conducted outside of a crime laboratory or other applicable entity by a person other than an employee of the crime laboratory or other applicable entity.

Sec. 411.0206. REGULATION OF DNA TESTING. The director shall by rule regulate DNA testing, including regulation of DNA laboratories.

SECTION 5. The public safety director of the Department of Public Safety of the State of Texas shall adopt rules under Section 411.0205, Government Code, as added by this Act, not later than the 61st day after the effective day of this Act.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution, and applies to evidence tested after September 1, 2003. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003, and applies to evidence tested after that date.

HB 2540 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Menendez called up with senate amendments for consideration at this time,

HB 2540, A bill to be entitled An Act relating to granting a defense base development authority the power of eminent domain.

On motion of Representative Menendez, the house concurred in the senate amendments to **HB 2540** by (Record 770): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Turner(C).

Absent, Excused — Corte; Hope.

Absent — Coleman; Flores; Howard; Puente; Wise.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 2540** on page 1, line 15 as follows:

(a) An authority or an authority whose subject property is within the territorial limits of a municipality may exercise the power of eminent domain to acquire property in or adjacent to the base property only in the manner provided by Chapter 21, Property Code.

(Coleman now present)

HB 1670 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Allen called up with senate amendments for consideration at this time,

HB 1670, A bill to be entitled An Act relating to medically recommended intensive supervision of certain inmates of the Texas Department of Criminal Justice.

On motion of Representative Allen, the house concurred in the senate amendments to **HB 1670**.

Senate Committee Substitute

HB 1670, A bill to be entitled An Act relating to medically recommended intensive supervision of certain inmates of the Texas Department of Criminal Justice and to the release pending deportation of certain inmates of the department.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 508.146, Government Code, is amended by amending Subsections (a) and (c) and adding Subsections (e) and (f) to read as follows:

(a) An inmate, other than an inmate who is serving a sentence of death or an inmate who has a reportable conviction or adjudication under Chapter 62, Code of Criminal Procedure, [serving a sentence for which parole eligibility is otherwise determined under Section 508.145(f)] may be released [become eligible for release] on medically recommended intensive supervision on a date designated by a parole panel described by Subsection (e), except that an inmate with an instant offense that is an offense described in Section 3g, Article 42.12, Code of Criminal Procedure, may only be considered if a medical condition of terminal illness or long-term care has been diagnosed, [that is earlier than the date computed under that section] if:

(1) the Texas Council on Offenders with Mental Impairments, in cooperation with the Correctional Managed Health Care Committee, identifies the inmate as being elderly, physically handicapped, mentally ill, terminally ill, mentally retarded, or having a condition requiring long-term care;

(2) the parole panel determines that, based on the inmate's condition and a medical evaluation, the inmate does not constitute a threat to public safety; and

(3) the Texas Council on Offenders with Mental Impairments, in cooperation with the pardons and paroles division, has prepared for the inmate a medically recommended intensive supervision plan that requires the inmate to submit to electronic monitoring, places the inmate on super-intensive supervision, or otherwise ensures appropriate supervision of the inmate.

(c) The [A] parole panel shall require as a condition of release under Subsection (a) [this section] that the releasee remain under the care of a physician and in a medically suitable placement. At least once each calendar quarter, the Texas Council on Offenders with Mental Impairments shall report to the parole panel [board] on the releasee's medical and placement status. On the basis of the report, the [a] a parole panel may modify conditions of release and impose any condition on the releasee that a [the] panel could impose on a releasee released under Section 508.145, including a condition that the releasee reside in a halfway house or community residential facility.

(e) Only parole panels composed of the presiding officer of the board and two members appointed to the panel by the presiding officer may make determinations regarding the release of inmates on medically recommended intensive supervision under Subsection (a) or of inmates released pending deportation. If the Texas Council on Offenders with Mental Impairments identifies an inmate as a candidate for release under the guidelines established by Subsection (a)(1), the council shall present to a parole panel described by this subsection relevant information concerning the inmate and the inmate's potential for release under this section.

(f) An inmate who is not a citizen of the United States, as defined by federal law, who is not under a sentence of death, and who does not have a reportable conviction or adjudication under Chapter 62, Code of Criminal Procedure, or an

instant offense described in Section 3g, Article 42.12, Code of Criminal Procedure, may be released to immigration authorities pending deportation on a date designated by a parole panel described by Subsection (e) if the parole panel determines that on release the inmate would be deported to another country and that the inmate does not constitute a threat to public safety in the other country or this country and is unlikely to reenter this country illegally.

SECTION 2. Section 2, Chapter 1435, Acts of the 77th Legislature, Regular Session, 2001, is repealed.

SECTION 3. The change in law made by this Act applies to an inmate who on or after the effective date of this Act is serving a sentence in the institutional division of the Texas Department of Criminal Justice and who is described by Section 508.146(a) (1), Government Code, or Section 508.146(f), Government Code, as added by this Act, regardless of whether the sentence is for an offense committed before, on, or after the effective date of this Act.

SECTION 4. This Act takes effect September 1, 2003.

HB 2622 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Allen called up with senate amendments for consideration at this time,

HB 2622, A bill to be entitled An Act relating to certain governmental agency and private entity access to and use of criminal history record information maintained by the Department of Public Safety.

On motion of Representative Allen, the house concurred in the senate amendments to **HB 2622**.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 2622** by adding the following section, appropriately numbered, and renumbering subsequent sections appropriately:

SECTION _____. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.1401 to read as follows:

Sec. 411.1401. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: PROGRAMS PROVIDING ACTIVITIES FOR CHILDREN.

(a) In this section, "activity provider" means a nonprofit program that includes as participants or recipients persons who are younger than 17 years of age and that regularly provides athletic, civic, or cultural activities.

(b) An activity provider is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is a volunteer or a volunteer applicant of the activity provider.

(c) The department may establish rules governing the administration of this section.

(d) An activity provider may use criminal history record information obtained under this section only to determine the suitability of a person for a position as a volunteer and may not keep or retain criminal history record

information obtained under this section in any file. Criminal history record information must be destroyed promptly after a determination of suitability is made.

(e) Criminal history record information obtained under this section may not be released or disclosed to any person except in a criminal proceeding, on court order, or with the consent of the person who is the subject of the criminal history record information.

(f) An employee, officer, or volunteer of an activity provider is not liable in a civil action for damages resulting from a failure to comply with this section unless the act or omission of the employee, officer, or volunteer was intentional, wilfully or wantonly negligent, or done with conscious indifference or reckless disregard for the safety of others.

HB 425 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative Christian called up with senate amendments for consideration at this time,

HB 425, A bill to be entitled An Act relating to procedures to help ensure that certain state agency actions are consistent with the meaning and intent of applicable legislative enactments.

Representative Christian moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 425**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 425**: Christian, chair; J. Keffer; Bonnen; Eissler; and McClendon.

HB 673 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Madden called up with senate amendments for consideration at this time,

HB 673, A bill to be entitled An Act relating to parental notification of public school teacher qualifications.

On motion of Representative Madden, the house concurred in the senate amendments to **HB 673** by (Record 771): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs;

Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Turner(C).

Absent, Excused — Corte; Hope.

Absent — Castro; Flores; Wilson; Wise.

Senate Amendment No. 1 (Senate Committee Amendment No. 1)

Amend **HB 673** as follows:

On page 1, line 10, between "parent" and "regarding" insert "or guardian".

HB 1549 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Denny called up with senate amendments for consideration at this time,

HB 1549, A bill to be entitled An Act relating to changes required in election laws to implement the federal Help America Vote Act of 2002.

On motion of Representative Denny, the house concurred in the senate amendments to **HB 1549**.

Senate Committee Substitute

HB 1549, A bill to be entitled An Act relating to the changes required in election laws to implement the federal Help America Vote Act of 2002.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 13.002(c), Election Code, is amended to read as follows:

(c) A registration application must include:

(1) the applicant's first name, middle name, if any, last name, and former name, if any;

(2) the month, day, and year of the applicant's birth;

(3) a statement that the applicant is a United States citizen;

(4) a statement that the applicant is a resident of the county;

(5) a statement that the applicant has not been determined mentally incompetent by a final judgment of a court;

(6) a statement that the applicant has not been finally convicted of a felony or that the applicant is a felon eligible for registration under Section 13.001;

(7) the applicant's residence address or, if the residence has no address, the address at which the applicant receives mail and a concise description of the location of the applicant's residence;

(8) the following information:

(A) the applicant's Texas driver's license number or the number of a personal identification card issued by the Department of Public Safety;

(B) if the applicant has not been issued a number described by Paragraph (A), the last four digits of the applicant's social security number; or

(C) a statement by the applicant that the applicant has not been issued a number described by Paragraph (A) or (B);

(9) if the application is made by an agent, a statement of the agent's relationship to the applicant; and

(10) ~~(9)~~ the city and county in which the applicant formerly resided.

SECTION 2. Section 13.121(a), Election Code, is amended to read as follows:

(a) The officially prescribed application form for registration by mail must be in the form of a business reply postcard, unless another form or system is used under Subsection (b), with postage paid by the state. ~~[The form may not be larger than the form in use immediately prior to January 1, 1986.]~~ The secretary of state shall design the form to enhance the legibility of its contents.

SECTION 3. Section 13.122, Election Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) In addition to the other statements and spaces for entering information that appear on an officially prescribed registration application form, each official form must include:

(1) the statement: "I understand that giving false information to procure a voter registration is perjury and a crime under state and federal law.";

(2) a space for the applicant's registration number;

(3) a space for the applicant's Texas driver's license number or number of a personal identification card issued by the Department of Public Safety;

(4) a space for the applicant's telephone number;

(5) a space for the applicant's social security number;

(6) a space for the applicant's sex;

(7) a statement indicating that the furnishing of the applicant's ~~[driver's license number, personal identification card number,]~~ telephone number~~[-, social security number,]~~ and sex is optional;

(8) a space or box for indicating whether the applicant or voter is submitting new registration information or a change in current registration information;

(9) a statement instructing a voter who is using the form to make a change in current registration information to enter the voter's name and the changed information in the appropriate spaces on the form;

(10) a statement that if the applicant declines to register to vote, that fact will remain confidential and will be used only for voter registration purposes;

(11) a statement that if the applicant does register to vote, information regarding the agency or office to which the application is submitted will remain confidential and will be used only for voter registration purposes; and

(12) any other voter registration information required by federal law or considered appropriate and required by the secretary of state.

(d) The secretary of state shall prescribe procedures to inform an applicant who applies for registration by mail of the requirement that before voting for the first time in an election for federal office an applicant must provide a copy of a document described by Section 63.0101 that establishes the applicant's identity. The procedures must include providing an instructional sheet to be distributed with the official registration application form describing the requirement and a method by which an applicant may submit the document along with the official registration application form. This subsection expires on the earlier of:

(1) January 1, 2006; or

(2) the date the secretary of state certifies that the statewide computerized voter registration list has been implemented.

SECTION 4. Section 18.005(a), Election Code, is amended to read as follows:

(a) Each original and supplemental list of registered voters must:

(1) contain the voter's name, residence address, date of birth, and registration number as provided by the statewide computerized voter registration list;

(2) be arranged alphabetically by voter name; ~~and~~

(3) contain the notation required by Section 15.111; and

(4) until Section 13.122(d) expires, identify each voter registered by mail for the first time who failed to provide a copy of a document described by Section 63.0101 establishing the voter's identity at the time of registration.

SECTION 5. Effective January 1, 2006, the heading to Subchapter C, Chapter 18, Election Code, is amended to read as follows:

SUBCHAPTER C. STATEWIDE VOTER REGISTRATION LIST
[REGISTRATION SERVICE PROGRAM]

SECTION 6. Effective January 1, 2006, Section 18.061, Election Code, is amended to read as follows:

Sec. 18.061. STATEWIDE COMPUTERIZED VOTER REGISTRATION LIST ~~[REGISTRATION SERVICE PROGRAM AUTHORIZED]~~. (a) The secretary of state shall ~~may~~ implement and maintain a statewide computerized voter registration list that serves as the single system for storing and managing the official list of registered voters in the state ~~[registration service program to assist registrars in maintaining accurate lists of registered voters]~~.

(b) The statewide computerized voter registration list ~~[A service program]~~ must ~~[include]~~:

(1) contain the name and registration information of each voter registered in the state ~~[obtaining registration information from registrars and other available sources for a master file on registered voters];~~

(2) assign a unique identifier to each registered voter ~~[periodically obtaining information from registrars and other available sources for the following purposes:~~

~~[(A) to aid in determining the proper status of voters on the lists of registered voters; and~~

~~[(B) to aid in ascertaining the proper registration information for each registered voter]; and~~

(3) be available to any election official in the state through immediate electronic access ~~[furnishing information that may be useful to the registrars in the performance of their official duties].~~

(c) Under procedures prescribed by the secretary of state, each voter registrar shall provide to the secretary of state on an expedited basis the information necessary to maintain the registration list established under Subsection (a). The procedures shall provide for the electronic submission of the information.

(d) The secretary of state may contract with counties to provide them with electronic data services to facilitate the implementation of the statewide computerized voter registration list ~~[service program]~~. The secretary shall use funds collected under the contracts to defray expenses incurred in implementing the statewide computerized voter registration list ~~[service program]~~.

SECTION 7. Effective January 1, 2006, Section 18.064, Election Code, is amended to read as follows:

Sec. 18.064. SANCTION FOR NONCOMPLIANCE. If a registrar fails to substantially comply with Section 15.083 ~~[14.025]~~, 16.032, 18.042, or 18.061 ~~[18.063]~~ or with rules adopted by the secretary of state implementing the statewide computerized voter registration list ~~[registration service program]~~, the registrar is not entitled to receive state funds for financing voter registration in the county.

SECTION 8. Effective January 1, 2006, Section 18.065(a), Election Code, is amended to read as follows:

(a) The secretary of state shall monitor each registrar for substantial compliance with Sections 15.083 ~~[14.025]~~, 16.032, 18.042, and 18.061 ~~[18.063]~~ and with rules implementing the statewide computerized voter registration list ~~[registration service program]~~.

SECTION 9. Effective January 1, 2006, the heading to Section 18.066, Election Code, is amended to read as follows:

Sec. 18.066. AVAILABILITY OF STATEWIDE COMPUTERIZED VOTER REGISTRATION LIST ~~[MASTER FILE]~~ INFORMATION.

SECTION 10. Effective January 1, 2006, Section 18.066(a), Election Code, is amended to read as follows:

(a) The secretary of state shall furnish information in the statewide computerized voter registration list ~~[state master file]~~ to any person on request not later than the 15th day after the date the request is received.

SECTION 11. Effective January 1, 2006, the heading to Section 18.067, Election Code, is amended to read as follows:

Sec. 18.067. UNLAWFUL USE OF STATEWIDE COMPUTERIZED VOTER REGISTRATION LIST ~~[MASTER FILE]~~ INFORMATION.

SECTION 12. Section 19.004, Election Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) Except as provided by Subsection (d), state ~~[State]~~ funds disbursed under this chapter may be used only to defray expenses of the registrar's office in connection with voter registration, including additional expenses related to:

(1) implementation of the National Voter Registration Act of 1993 (42 U.S.C. Section 1973gg et seq.); and

(2) complying with the weekly updating requirements prescribed by Section 18.063.

(d) If the secretary of state determines that federal matching funds are available under the federal Help America Vote Act of 2002, the secretary of state shall certify to the comptroller the amount of state funds required to qualify for the maximum amount of federal matching funds. On receipt of the certification, the comptroller shall deposit from funds otherwise available under this chapter an amount equal to the certified amount in the election improvement fund established under Section 31.011.

SECTION 13. Effective September 1, 2003, Chapter 31, Election Code, is amended by adding Sections 31.010 and 31.011 to read as follows:

Sec. 31.010. IMPLEMENTATION OF FEDERAL HELP AMERICA VOTE ACT. (a) The secretary of state may adopt rules as necessary to implement the federal Help America Vote Act of 2002.

(b) The secretary of state shall adopt rules establishing state-based administrative complaint procedures to remedy grievances that meet the requirements of Section 402(a) of the federal Help America Vote Act of 2002.

Sec. 31.011. ELECTION IMPROVEMENT FUND. (a) The election improvement fund is created as a dedicated account in the general revenue fund and consists of federal funds designated for election improvement, matching funds from the state or a political subdivision, and depository interest earned on the assets of the fund.

(b) Money in the fund may be appropriated only to provide funding for the following purposes:

(1) to improve election administration at the state and local level;

(2) to make grants to local governments for the improvement or replacement of voting systems;

(3) to create a single uniform official centralized interactive voter registration database; and

(4) to comply with other election requirements of the federal government.

(c) The fund is exempt from the application of Section 403.095, Government Code.

SECTION 14. Section 41.001(a), Election Code, is amended to read as follows:

(a) Except as otherwise provided by this subchapter, each general or special election in this state shall be held on one of the following dates:

- (1) the first Saturday in February;
- (2) the third ~~[first]~~ Saturday in May;
- (3) the second Saturday in September; or
- (4) the first Tuesday after the first Monday in November.

SECTION 15. Section 41.0052(a), Election Code, is amended to read as follows:

(a) The governing body of a political subdivision other than a county may, not later than December 31, 2004 ~~[1999]~~, change the date on which it holds its general election for officers to another authorized uniform election date. ~~[An election on the new date may not be held before 2000.]~~

SECTION 16. Section 41.007(b), Election Code, is amended to read as follows:

(b) The runoff primary election date is the third ~~[second]~~ Tuesday in April following the general primary election.

SECTION 17. Section 52.008(a), Election Code, is amended to read as follows:

(a) The authority responsible for procuring the election supplies shall ~~[may]~~ have a supply of sample ballots printed.

SECTION 18. Section 52.074, Election Code, is amended to read as follows:

Sec. 52.074. PROVISIONAL BALLOT ~~[STUB]~~ FOR CERTAIN VOTERS. ~~[(a)]~~ The authority responsible for having the official ballot prepared shall have a provisional ~~[detached]~~ ballot ~~[stub]~~ prepared in a form approved by the secretary of state [as provided by this section] for use by a voter who executes an affidavit in accordance with Section 63.011 ~~[63.010]~~.

~~[(b) The ballot stub shall be in a form approved by the secretary of state and must include:~~

~~[(1) a space for entering the number matching the corresponding ballot number;~~

~~[(2) spaces for entering the designation of the nature of the election and the date of the election;~~

~~[(3) the instruction: "Sign ballot stub, enclose in envelope, and give to election officer."; and~~

~~[(4) a space for the voter's signature.]~~

SECTION 19. Section 61.005, Election Code, is amended to read as follows:

Sec. 61.005. SECURITY OF BALLOTS, BALLOT BOXES, ~~[STUBS,]~~ AND ENVELOPES. (a) From the time a presiding judge receives the official ballots for an election until the precinct returns for that election have been certified, the presiding judge shall take the precautions necessary to prevent access to the ballots, ballot boxes, ~~[ballot stubs,]~~ and ~~[stub]~~ envelopes used for provisional ballots in a manner not authorized by law.

(b) The ballots, ballot boxes, ~~[ballot stubs,]~~ and ~~[stub]~~ envelopes used for provisional ballots at a polling place shall be in plain view of at least one election officer from the time the polls open for voting until the precinct returns have been certified.

(c) A presiding election judge commits an offense if the judge fails to prevent another person from handling a ballot box containing voters' marked ballots or an envelope containing a voter's provisional ballot [~~voters' signed ballot stubs~~] in an unauthorized manner or from making an unauthorized entry into the ballot box or envelope. An offense under this subsection is a Class A misdemeanor.

SECTION 20. Subchapter A, Chapter 61, Election Code, is amended by adding Section 61.012 to read as follows:

Sec. 61.012. ACCESS BY PERSONS WITH DISABILITIES. (a) Not later than January 1, 2006, each polling place must provide at least one voting station that:

(1) complies with Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Section 794) and its subsequent amendments and Title II of the federal Americans with Disabilities Act (42 U.S.C. Section 12131 et seq.) and its subsequent amendments; and

(2) provides a practical and effective means for voters with physical disabilities to cast a secret ballot.

(b) Subsection (a) applies only to a polling place that uses an electronic voting system unless the secretary of state certifies that federal law requires the application of Subsection (a) to all forms of voting at a polling place.

SECTION 21. Section 62.006, Election Code, is amended to read as follows:

Sec. 62.006. PLACING BOX [~~AND ENVELOPE~~] FOR DEPOSIT OF MARKED BALLOTS [~~AND STUBS~~]. The ballot box to be used by the voters to deposit marked ballots shall be locked. The ballot box and the box used for the deposit of provisional ballots [~~envelope no. 5~~] shall be placed where they will be in plain view of the election officers, watchers, and persons waiting to vote.

SECTION 22. Section 62.009(c), Election Code, is amended to read as follows:

(c) The provisional ballots [~~with stubs~~] shall be placed separately from the regular ballots.

SECTION 23. Section 62.011, Election Code, is amended by amending Subsections (b) and (c) and adding Subsection (d) to read as follows:

(b) The secretary of state shall prescribe the form and content of the instruction poster. If it is not practical to fit all of the information required by this section on a single poster, the secretary of state may provide for the use of two or more posters to convey the information.

(c) The poster must include instructions applicable to the election on:

- (1) marking and depositing the ballot;
- (2) voting for a write-in candidate;
- (3) casting a straight-party vote;
- (4) casting a provisional ballot;
- (5) until the expiration of Section 13.122(d), voting for the first time by a person who registered by mail; and
- (6) [←] securing an additional ballot if the voter's original ballot is spoiled.

(d) The poster must also include the following information:

(1) the date of the election and the hours during which the polling place is open;

(2) general information on voting rights under state and federal laws, including information on the right of an individual to cast a provisional ballot and the individuals to contact if a person believes these rights have been violated; and

(3) general information on state and federal laws that prohibit acts of fraud or misrepresentation.

SECTION 24. Section 62.012, Election Code, is amended to read as follows:

Sec. 62.012. POSTING SAMPLE BALLOT. ~~An [If sample ballots are provided for a polling place, an]~~ election officer shall post a sample ballot in one or more locations in the polling place where it can be read by persons waiting to vote.

SECTION 25. Section 63.008, Election Code, is amended to read as follows:

Sec. 63.008. VOTER WITHOUT CERTIFICATE WHO IS ON LIST. (a) A voter who does not present a voter registration certificate when offering to vote, but whose name is on the list of registered voters for the precinct in which the voter is offering to vote, shall be accepted for voting if the voter executes an affidavit stating that the voter does not have the voter's voter registration certificate in the voter's possession at the polling place at the time of offering to vote and[~~;~~

~~[(1)] the voter presents proof of identification in a form described by Section 63.0101[~~;~~ or~~

~~[(2) the affidavit is also signed by a person who is working at the polling place and who attests to the identity of the voter].~~

(b) If the requirements prescribed by Subsection (a) are not met, the voter may ~~[not]~~ be accepted for provisional voting only under Section 63.011~~[; and an election officer shall indicate beside the voter's name on the list of registered voters that the voter was rejected under this section].~~

SECTION 26. Section 63.009, Election Code, is amended to read as follows:

Sec. 63.009. VOTER WITHOUT CERTIFICATE WHO IS NOT ON LIST. (a) Except as provided by Subsection (b), a voter who does not present a voter registration certificate when offering to vote, and whose name is not on the list of registered voters for the precinct in which the voter is offering to vote, shall be accepted for provisional voting if the voter ~~[presents proof of identification and]~~ executes an affidavit in accordance with Section 63.011 ~~[63.010]~~.

(b) If an election officer can determine from the voter registrar that the person is a registered voter of the county and the person presents proof of identification, the affidavits required by Sections 63.007 and 63.008 are substituted for the affidavit required by Section 63.011 ~~[63.010]~~ in complying with that section. After the voter is accepted under this subsection, an election officer shall also indicate beside the voter's name on the poll list that the voter was accepted under this section.

SECTION 27. Section 63.0101, Election Code, is amended to read as follows:

Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION. The following documentation is acceptable as proof of identification under this chapter:

(1) a driver's license or personal identification card issued to the person by the Department of Public Safety or a similar document issued to the person by an agency of another state, regardless of whether the license or card has expired;

(2) a form of identification containing the person's photograph that establishes the person's identity;

(3) a birth certificate or other document confirming birth that is admissible in a court of law and establishes the person's identity;

(4) United States citizenship papers issued to the person;

(5) a United States passport issued to the person;

(6) ~~[pre-printed checks containing the person's name that are issued for a financial institution doing business in this state];~~

~~[(7)]~~ official mail addressed to the person by name from a governmental entity;

~~[(7)]~~ a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter ~~[(8) two other forms of identification that establish the person's identity];~~ or

~~[(8) [(9)]~~ any other form of identification prescribed by the secretary of state.

SECTION 28. Chapter 63, Election Code, is amended by adding Section 63.011 to read as follows:

Sec. 63.011. PROVISIONAL VOTING. (a) A person to whom Section 63.008(b) or 63.009(a) applies may cast a provisional ballot if the person executes an affidavit stating that the person:

(1) is a registered voter in the precinct in which the person seeks to vote; and

(2) is eligible to vote in the election.

(b) A form for the affidavit shall be printed on an envelope in which the provisional ballot voted by the person may be placed and must include a space for entering the identification number of the provisional ballot voted by the person. The affidavit form may include space for disclosure of any necessary information to enable the person to register to vote under Chapter 13. The secretary of state shall prescribe the form of the affidavit under this section.

(c) After executing the affidavit, the person shall be given a provisional ballot for the election. An election officer shall record the number of the ballot on the space provided on the affidavit.

(d) An election officer shall enter "provisional vote" on the poll list beside the name of each voter who is accepted for voting under this section.

(e) A person who is permitted under a state or federal court order to cast a ballot in an election for a federal office after the time allowed by Subchapter B, Chapter 41, must cast the ballot as a provisional vote in the manner required by this section.

SECTION 29. Section 63.012(a), Election Code, is amended to read as follows:

(a) An election officer commits an offense if the officer knowingly:

(1) permits an ineligible voter to vote other than as provided by Section 63.011 ~~[without having been challenged]~~; or

(2) refuses to accept a person for voting whose acceptance is required by this code.

SECTION 30. Section 64.001, Election Code, is amended to read as follows:

Sec. 64.001. VOTER TO SELECT AND PREPARE BALLOT~~[- DEPOSIT OF STUB]~~. (a) After a voter is accepted for voting, the voter shall select a ballot, go to a voting station, and prepare the ballot~~[- except as provided by Subsection (b)]~~.

(b) A voter who executes an affidavit in accordance with Section 63.011 ~~[63.010]~~ shall select a provisional ballot ~~[with a stub and, before going to a voting station:~~

~~[(1) unclip the stub and envelope from the ballot;~~

~~[(2) sign the stub and enclose it in the envelope; and~~

~~[(3) seal the envelope and give it to an election officer.~~

~~[(c) The election officer shall deposit the ballot stub enclosed in its envelope in envelope no. 5].~~

SECTION 31. Section 64.008, Election Code, is amended to read as follows:

Sec. 64.008. DEPOSITING BALLOT. (a) Except as provided by Subsection (b), after ~~[After]~~ a voter has marked the ballot, the voter shall fold the ballot to conceal the way it is marked but to expose the presiding judge's signature, and shall deposit it in the ballot box used for the deposit of marked ballots.

(b) After a voter has marked a provisional ballot, the voter shall enclose the ballot in the envelope on which the voter's executed affidavit is printed. The person shall seal the envelope and deposit it in a box available for the deposit of provisional ballots.

(c) At the time a person casts a provisional ballot under Subsection (b), an election officer shall give the person written information describing how the person may use the free access system established under Section 65.059 to obtain information on the disposition of the person's vote.

SECTION 32. Sections 65.001-65.015, Election Code, are designated as Subchapter A, Chapter 65, Election Code, and a heading is added to that subchapter to read as follows:

SUBCHAPTER A. COUNTING VOTES GENERALLY

SECTION 33. Section 65.009, Election Code, is amended by adding Subsection (d) to read as follows:

(d) The intent of the voter in marking a ballot may be determined by:

(1) a distinguishing mark adjacent to the name of a candidate or political party or a voting choice associated with a proposition;

(2) an oval, box, or similar marking clearly drawn around the name of a candidate or political party or a voting choice associated with a proposition;

(3) a line drawn through:

(A) the names of all candidates in a manner that indicates a preference for the candidates not marked if the names of the candidates not marked do not exceed the number of persons that may be elected to that office;

(B) the name of each political party except one in a manner that clearly indicates a preference for the political party not marked; or

(C) a voting choice associated with a proposition in a manner that clearly indicates a preference for the other voting choice associated with the proposition; or

(4) any other evidence that clearly indicates the intent of the voter in choosing a candidate or political party or deciding on a proposition.

SECTION 34. Section 65.010(a), Election Code, is amended to read as follows:

(a) The following ballots may not be counted:

(1) a ballot that is not provided to the voter at the polling place;

(2) two or more ballots that are folded together in a manner indicating that they were folded together when deposited in the ballot box;

(3) a write-in envelope containing a write-in vote without an attached ballot;

(4) a ballot that has not been deposited in the ballot box used for the deposit of marked ballots; or

(5) a provisional ballot that is not accepted under Subchapter B [~~with an unsigned stub~~].

SECTION 35. Chapter 65, Election Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. VERIFICATION AND COUNTING OF PROVISIONAL BALLOTS

Sec. 65.051. DUTY OF EARLY VOTING BALLOT BOARD. (a) The early voting ballot board shall verify and count provisional ballots as provided by this subchapter not later than the seventh day after the date of an election.

(b) Except as provided by this subchapter, the conduct of the board is governed by the same procedures as are provided by Chapter 87.

Sec. 65.052. DUTY OF VOTER REGISTRAR. The secretary of state shall prescribe procedures by which the voter registrar of the county in which a provisional ballot is cast shall provide assistance to the early voting ballot board in executing its authority under this subchapter.

Sec. 65.053. DELIVERY OF PROVISIONAL BALLOTS. The presiding judge of an election precinct shall deliver in person to the general custodian of election records the box containing each envelope containing a provisional ballot that was cast in the precinct. The secretary of state shall prescribe procedures by which the early voting ballot board may have access to the provisional ballots as necessary to implement this subchapter.

Sec. 65.054. ACCEPTING PROVISIONAL BALLOT. (a) The early voting ballot board shall examine each affidavit executed under Section 63.011 and determine whether to accept the provisional ballot of the voter who executed the affidavit.

(b) A provisional ballot may be accepted only if the board determines that, from the information in the affidavit or contained in public records, the person is eligible to vote in the election.

(c) If a provisional ballot is accepted, the board shall enter the voter's name on a list of voters whose provisional ballots are accepted.

(d) If a provisional ballot is rejected, the board shall indicate the rejection by marking "rejected" on the envelope containing the provisional ballot.

Sec. 65.055. DISPOSITION OF ACCEPTED PROVISIONAL BALLOT AND AFFIDAVIT. (a) The early voting ballot board shall open each envelope containing an accepted provisional ballot without defacing the affidavit located on the outside of the envelope and shall remove the ballot.

(b) The board shall place the ballot in a ballot box containing all the provisional ballots accepted for voting in the election.

(c) For each accepted provisional ballot, the board shall place the corresponding envelope on which is printed the voter's affidavit executed under Section 63.011 in a sealed envelope and shall deliver the envelope to the general custodian of election records, to be retained for the period for preserving precinct election returns.

Sec. 65.056. DISPOSITION OF REJECTED PROVISIONAL BALLOT. (a) If the affidavit on the envelope of a rejected provisional ballot contains the information necessary to enable the person to register to vote under Chapter 13, the voter registrar shall make a copy of the affidavit under procedures prescribed by the secretary of state. The voter registrar shall treat the copy as an application for registration under Chapter 13.

(b) The early voting ballot board shall place the envelopes containing rejected provisional ballots in an envelope and shall seal the envelope. More than one envelope may be used if necessary.

(c) The envelope for the rejected provisional ballots must indicate the date and identity of the election, be labeled "rejected provisional ballots," and be signed by the board's presiding judge.

(d) A board member shall deliver the envelope containing the rejected provisional ballots to the general custodian of election records to be preserved for the period for preserving the precinct election records. The envelope may not be placed in the box containing the accepted provisional ballots.

Sec. 65.057. PROCESSING ACCEPTED PROVISIONAL BALLOTS. (a) The early voting ballot board shall count accepted provisional ballots as follows:

(1) for ballots to be counted manually, in the manner provided by Subchapter D, Chapter 87;

(2) for ballots to be counted by automatic tabulating equipment at a central counting station, in the manner provided by Subchapter F, Chapter 87; and

(3) for ballots to be counted by any other means, in the manner provided by rules adopted by the secretary of state.

(b) On counting the ballots under this section, the board shall report the results to the local canvassing authority for the election.

Sec. 65.058. PRESERVATION OF PROVISIONAL VOTING RECORDS GENERALLY. The returns of provisional ballots that are accepted, the accepted ballots, and other provisional voting records shall be preserved after the election in the same manner as the corresponding precinct election returns.

Sec. 65.059. NOTICE TO PROVISIONAL VOTER. The secretary of state shall prescribe procedures to implement a system to allow a person who casts a provisional ballot under Section 63.011 to obtain access free of charge to information on the disposition of the person's ballot. The system:

(1) must allow the person to determine whether the person's ballot was counted, and, if the person's ballot was not accepted, must indicate the reason why;

(2) must provide the information only to the person who cast the provisional ballot; and

(3) may involve the use of a toll-free telephone number or the Internet.

SECTION 36. Section 66.003, Election Code, is amended to read as follows:

Sec. 66.003. ENVELOPES FOR DISTRIBUTION OF RECORDS. (a) Four ~~Five~~ envelopes shall be furnished to each polling place for use in assembling and distributing the precinct election records.

(b) The envelopes shall be labeled and addressed as follows:

(1) "Envelope No. 1," addressed to the presiding officer of the local canvassing authority;

(2) "Envelope No. 2," addressed to the general custodian of election records;

(3) "Envelope No. 3," addressed to the presiding judge; and

(4) "Envelope No. 4," addressed to the voter registrar~~;~~ and

~~[(5) "Envelope No. 5," addressed to the general custodian of election records].~~

SECTION 37. Section 66.021(b), Election Code, is amended to read as follows:

(b) The judge shall seal envelopes no. 1, no. 2, and no. 4~~[-and no. 5]~~ and lock ballot boxes no. 3 and no. 4 as soon as they are ready for distribution.

SECTION 38. Section 66.0241, Election Code, is amended to read as follows:

Sec. 66.0241. CONTENTS OF ENVELOPE NO. 4. Envelope no. 4 must contain:

(1) the precinct list of registered voters;

(2) the registration correction list;

(3) the registration omissions list;

(4) any statements of residence executed under Section 63.0011; and

(5) any affidavits executed under Section 63.007 or 63.011 ~~[63.010]~~.

SECTION 39. Section 66.051(b), Election Code, is amended to read as follows:

(b) The presiding judge shall deliver envelope no. 2, ~~[envelope no. 5,]~~ ballot box no. 3, and ballot box no. 4 and its key in person to the general custodian of election records.

SECTION 40. Sections 66.058(b), (c), and (d), Election Code, are amended to read as follows:

(b) The voted ballots ~~[and ballot stubs]~~ shall be preserved securely in a locked room in the locked ballot box ~~[or sealed envelope, as applicable,]~~ in which they are delivered to the general custodian of election records. Except as permitted by this code, a ballot box containing voted ballots ~~[or an envelope containing ballot stubs]~~ may not be opened during the preservation period.

(c) If during the preservation period an authorized entry is made into a ballot box containing voted ballots ~~[or an envelope containing ballot stubs]~~, when the purpose for the entry is fulfilled, the box ~~[or envelope]~~ shall be relocked ~~[or resealed, as applicable,]~~ and the box and key ~~[or envelope]~~ returned to the custodian.

(d) A custodian of a ballot box containing voted ballots ~~[or an envelope containing ballot stubs]~~ commits an offense if, during the preservation period prescribed by Subsection (a), the custodian:

(1) makes an unauthorized entry into the box ~~[or envelope]~~; or

(2) fails to prevent another person from handling the box ~~[or envelope]~~ in an unauthorized manner or from making an unauthorized entry into the box ~~[or envelope]~~.

SECTION 41. Section 66.059, Election Code, is amended to read as follows:

Sec. 66.059. RETRIEVING ERRONEOUSLY PLACED ELECTION RECORDS. (a) On written application by the presiding officer of the local canvassing authority or the presiding judge of the election precinct, a district judge of the county in which a ballot box containing voted ballots ~~[or an envelope containing ballot stubs]~~ is in custody may order the box ~~[or envelope]~~ opened to retrieve an election record that was erroneously placed in the box ~~[or envelope]~~.

(b) The district judge shall post a notice of the date, hour, and place for opening the box ~~[or envelope]~~ on the bulletin board used for posting notices of the meetings of the governing body of the political subdivision served by the general custodian of election records. The notice must remain posted continuously for the 24 hours immediately preceding the hour set for opening the box ~~[or envelope]~~.

(c) Any interested person may observe the opening of the box ~~[or envelope]~~.

(d) The district judge shall issue the orders necessary to safeguard the contents of a ballot box ~~[or envelope]~~ opened under this section.

SECTION 42. Section 67.003, Election Code, is amended to read as follows:

Sec. 67.003. TIME FOR LOCAL CANVASS. Each local canvassing authority shall convene to conduct the local canvass at the time set by the canvassing authority's presiding officer:

(1) on the eighth [~~seventh~~] day after election day for the general election for state and county officers; or

(2) not earlier than the eighth [~~third~~] day or later than the 11th [~~sixth~~] day after election day for an election other than the general election for state and county officers.

SECTION 43. Section 86.002, Election Code, is amended by adding Subsection (f) to read as follows:

(f) For an election for a federal office, if the list of registered voters indicates that the voter did not provide a copy of a document described by Section 63.0101 establishing the voter's identity at the time of initial registration by mail, the clerk shall provide with the balloting materials notice to the voter that the voter must provide a copy of a document described by Section 63.0101 establishing the voter's identity when returning the ballot. The secretary of state shall prescribe the form of the notice. This subsection expires on the earlier of:

(1) January 1, 2006; or

(2) the date the secretary of state certifies that the statewide computerized voter registration list has been implemented.

SECTION 44. Section 86.005, Election Code, is amended by adding Subsection (f) to read as follows:

(f) If the voter is required to provide a copy of a document described by Section 63.0101 establishing the voter's identity, the voter shall include the copy in the official carrier envelope. This subsection expires on the expiration of Section 86.002(f).

SECTION 45. Subchapter C, Chapter 87, Election Code, is amended by adding Section 87.0411 to read as follows:

Sec. 87.0411. ACCEPTANCE OF NEW VOTER IN ELECTION FOR FEDERAL OFFICE. (a) A ballot for which notice was provided under Section 86.002(f) may be accepted only if:

(1) the voter provided the required documentation of the voter's identity; or

(2) the early voting ballot board determines that the person is eligible to vote.

(b) This section expires on the expiration of Section 86.002(f).

SECTION 46. Section 101.005(c), Election Code, is amended to read as follows:

(c) An application shall be treated as if it requests a ballot for:

(1) a runoff election that results from an election for which a ballot is requested; and

(2) each election for a federal office, including a primary or runoff election, that occurs on or before the date of the second general election for state and county officers that occurs after the date the application is submitted.

SECTION 47. Section 101.006(a), Election Code, is amended to read as follows:

(a) The submission of a federal postcard application that complies with the applicable requirements by an unregistered applicant constitutes registration by the applicant only for the purpose of voting in the election for which a ballot is requested and each election for a federal office that occurs on or before the date of the second general election for state and county officers that occurs after the date the application is submitted.

SECTION 48. Chapter 101, Election Code, is amended by adding Section 101.013 to read as follows:

Sec. 101.013. DESIGNATION OF SECRETARY OF STATE. The secretary of state is designated as the state office to provide information regarding voter registration procedures and absentee ballot procedures, including procedures related to the federal write-in absentee ballot, to be used by persons eligible to vote under the federal Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. Section 1973ff et seq.), as amended.

SECTION 49. Section 122.001, Election Code, is amended by amending Subsection (a) and adding Subsections (d) and (e) to read as follows:

(a) A voting system may not be used in an election unless the system:

- (1) preserves the secrecy of the ballot;
- (2) is suitable for the purpose for which it is intended;
- (3) operates safely, efficiently, and accurately and complies with the error rate standards of the voting system standards adopted by the Federal Election Commission;

- (4) is safe from fraudulent or unauthorized manipulation;

- (5) permits voting on all offices and measures to be voted on at the election;

- (6) prevents counting votes on offices and measures on which the voter is not entitled to vote;

- (7) prevents counting votes by the same voter for more than one candidate for the same office or, in elections in which a voter is entitled to vote for more than one candidate for the same office, prevents counting votes for more than the number of candidates for which the voter is entitled to vote;

- (8) prevents counting a vote on the same office or measure more than once;

- (9) permits write-in voting;

- (10) is capable of permitting straight-party voting; and

- (11) is capable of providing records from which the operation of the voting system may be audited.

(d) Effective January 1, 2006, a voting system may not be used in an election if the system uses:

- (1) mechanical voting machines; or

- (2) a punch-card ballot or similar form of tabulating card.

(e) For an election for federal office in which a state or federal court order has extended the time for voting beyond the time allowed by Subchapter B, Chapter 41, a voting system must provide a separate count of the votes cast after the time allowed by that subchapter.

SECTION 50. Section 124.006, Election Code, is amended to read as follows:

Sec. 124.006. IMPLEMENTATION OF PROVISIONAL BALLOT [~~STUB~~] SYSTEM. The secretary of state shall prescribe the form of a provisional ballot [~~stub and ballot for use with a stub~~] and the necessary procedures to implement the casting of a provisional ballot as described by Section 63.011 and the verification and processing of provisional ballots under Subchapter B, Chapter 65, for [~~ballot stub system prescribed by Section 52.074 for use with~~] each voting system used in this state.

SECTION 51. Section 127.130, Election Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) In any manual count conducted under this code, an irregularly marked vote on a ballot on which a voter indicates a vote by making a mark on the ballot is considered in the same manner as provided by Section 65.009.

SECTION 52. Section 172.116(b), Election Code, is amended to read as follows:

(b) The committee shall convene to conduct the local canvass at the county seat not earlier than 6 p.m. on the second [~~first~~] Thursday or later than 1 p.m. on the second [~~first~~] Friday after election day at the hour specified by the county chair.

SECTION 53. Sections 203.012(a) and (b), Election Code, are amended to read as follows:

(a) The commissioners court shall convene to conduct the local canvass not later than the 10th [~~third~~] day after election day.

(b) The governor shall conduct the state canvass not later than the 14th [~~seventh~~] day after election day.

SECTION 54. Section 213.007(a), Election Code, is amended to read as follows:

(a) On presentation by a recount committee chair of a written order signed by the recount supervisor, the custodian of voted ballots, voting machines or test materials or programs used in counting electronic voting system ballots shall make the ballots, machines, or materials or programs, including the records from which the operation of the voting system may be audited, available to the committee.

SECTION 55. Section 221.008, Election Code, is amended to read as follows:

Sec. 221.008. EXAMINATION OF SECURED BALLOTS AND EQUIPMENT. A tribunal hearing an election contest may cause secured ballot boxes, [~~envelopes,~~] voting machines, voting devices, or other equipment used in the election to be unsecured to determine the correct vote count or any other fact that the tribunal considers pertinent to a fair and just disposition of the contest.

SECTION 56. Sections 273.041, 273.042, and 273.043, Election Code, are amended to read as follows:

Sec. 273.041. REQUEST TO EXAMINE BALLOTS. In the investigation of criminal conduct in connection with an election, a grand jury, on finding probable cause to believe an offense was committed, may request a district judge of the county served by the grand jury to order an examination of the voted ballots ~~[and the ballot stubs]~~ in the election.

Sec. 273.042. ORDER BY DISTRICT JUDGE. On request of a grand jury for an examination of voted ballots ~~[and ballot stubs]~~, a district judge may order the custodian of the ballots ~~[and ballot stubs]~~ and the custodian of the keys to the ballot boxes to deliver the ballot boxes and the ~~[]~~ keys ~~[and envelopes]~~ to the grand jury.

Sec. 273.043. CONDUCT OF EXAMINATION. The examination of ballots ~~[and ballot stubs]~~ under this subchapter shall be conducted in secret before the grand jury.

SECTION 57. (a) Sections 62.0081, 63.010, 65.005(d), 66.0242, and 66.058(h) and Chapter 88, Election Code, are repealed.

(b) Effective January 1, 2006, Sections 18.062, 18.063, and 122.0011, Election Code, are repealed.

SECTION 58. Except as otherwise provided by this Act, this Act takes effect January 1, 2004.

HB 2250 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Flores called up with senate amendments for consideration at this time,

HB 2250, A bill to be entitled An Act relating to the powers and duties of the Rio Grande watermaster and the delivery of water down the banks and bed of the Rio Grande.

On motion of Representative Flores, the house concurred in the senate amendments to **HB 2250**.

Senate Committee Substitute

HB 2250, A bill to be entitled An Act relating to the powers and duties of the Rio Grande watermaster and the delivery of water down the banks and bed of the Rio Grande.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter G, Chapter 11, Water Code, is amended by adding Section 11.3271 to read as follows:

Sec. 11.3271. POWERS AND DUTIES OF RIO GRANDE WATERMASTER; DELIVERY OF WATER DOWN BANKS AND BED OF RIO GRANDE. (a) This section applies only to the watermaster with jurisdiction over the Rio Grande and the water division for which that watermaster is appointed.

(b) The watermaster shall divide the water of the streams or other sources of supply of the division in accordance with the adjudicated water rights.

(c) The watermaster shall regulate or cause to be regulated the controlling works of reservoirs and diversion works in time of water shortage, as is necessary because of the rights existing in the streams of the division, or as is necessary to prevent the waste of water or its diversion, taking, storage, or use in excess of the quantities to which the holders of water rights are lawfully entitled.

(d) The watermaster may regulate the distribution of water from any system of works that serves users whose rights have been separately determined.

(e) The watermaster's duties do not include activities that relate to other programs of the commission, except as provided by this section. The watermaster's duties shall include activities that relate to situations of imminent threat to public health and safety or the environment. The commission shall adopt rules:

(1) defining situations of imminent threat under this section; and

(2) addressing the watermaster's duties in response to terrorism.

(f) The watermaster may store in a reservoir for release at a later time water in transit that is being conveyed down the banks and bed of the Rio Grande under a permit issued by the commission and in accordance with rules prescribed by the commission. In this section, "water in transit" means privately owned water, not including state water, that a person has pumped from an underground reservoir and that is in transit between the point of discharge into the river and the place of use or the point of diversion by a person who has contracted with the owner of the water to purchase the water. The contract must specify that the contract is for the purchase and delivery of a specified amount of water less the carriage losses incurred in transit, as described and measured according to commission rules.

(g) The watermaster may store water under Subsection (f) only if the storage does not hinder the ability of any other holders of Rio Grande surface water rights to store the maximum authorized capacity in a reservoir as specified by commission rules and relevant permits, certified filings, or certificates of adjudication.

(h) Before granting a permit to convey water down the banks and bed of the Rio Grande, the commission shall adopt rules that provide for the methods and procedures by which the watermaster shall account for any discharge, delivery, conveyance, storage, diversion, or associated loss of water conveyed down the banks and bed of the Rio Grande. A permit to convey water down the banks and bed of the Rio Grande may not allow the permit holder to share in any beneficial state water inflows into the Rio Grande. The permit holder is entitled to convey only the amount of water specified in the permit, less the carriage losses incurred in transit, as described and measured according to commission rules. A rule adopted by the commission under this subsection must be consistent with the Treaty Relating to the Utilization of the Waters of the Colorado and Tijuana Rivers, and of the Rio Grande (Rio Bravo) from Fort Quitman, Texas, to the Gulf of Mexico, concluded by the United States and the United Mexican States on February 3, 1944, and with any minute order adopted by the International Boundary and Water Commission.

(i) In considering an application for a permit to convey water down the banks and bed of the Rio Grande, the commission shall consider the quality of the water to be conveyed. The commission may not issue a permit if it determines that the water to be conveyed would degrade the water quality of the Rio Grande.

(j) The watermaster shall maintain a central repository which shall be made available to the public that includes certified copies of all instruments, including deeds, deeds of trusts, and liens, that the commission requires to be filed in connection with water rights relating to water in the lower, middle, or upper basin of the Rio Grande and that are subject to a permit, certified filing, or certificate of adjudication. On or after September 1, 2003, a lien against a water right shall not be effective against third parties unless a certified copy of the instrument is filed with the watermaster and all requirements under other law are met. The validity of any liens or filings made prior to September 1, 2003, is not affected by this section. This section does not affect the validity of a lien as between the holder of the water right and the holder of the lien or the requirements or validity of any other law governing the perfection and recordation of these instruments. The executive director may charge a fee for the filing of certified copies of instruments. A fee collected under this section shall be deposited to the credit of the watermaster fund.

(k) This section does not apply to the Rio Grande above the Fort Quitman Dam.

SECTION 2. (a) This Act takes effect September 1, 2003.

(b) As soon as practicable after September 1, 2003, the Texas Commission on Environmental Quality shall adopt rules necessary for the implementation of this Act and shall expedite any application for a permit for the delivery of water down the banks and bed of the Rio Grande under Section 11.042, Water Code.

HCR 59 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Chavez called up with senate amendments for consideration at this time,

HCR 59, A resolution requesting that the Federal Bureau of Investigation be directly involved in assisting the Mexican law enforcement authorities in their investigation of the brutal murders of women in Juarez, Mexico.

On motion of Representative Chavez, the house concurred in the senate amendments to **HCR 59**.

Senate Committee Substitute

HCR 59, WHEREAS, The Mexican border city of Juarez has been plagued with the sexual assault and brutal slaying of over 300 women in the past nine years; and

WHEREAS, Women continue to disappear in the Juarez area almost every month; and

WHEREAS, Federal Bureau of Investigation experts suspect that one or more serial killers are behind the killings and that at least one of the killers has access to both sides of the border; and

WHEREAS, Some of the victims are as young as 13 years old, and many of them were abducted during broad daylight in well-populated areas; and

WHEREAS, A number of the victims were Texas residents; and

WHEREAS, These killings have brought pain and frustration to the El Paso-Juarez area as the victims' friends and families on both sides of the border struggle to cope with the loss of their loved ones; and

WHEREAS, The United States Department of State blames the limited progress in solving the crimes on police incompetence, prosecutorial ineptitude, and a lack of investigative resources; and

WHEREAS, The attention paid to the murders by the local authorities appears to be minimal, as tangible evidence, including the victims' clothing, shoes, and hair, has been found at the scenes of the killings months later; and

WHEREAS, The Federal Bureau of Investigation must be allowed to maintain a physical presence in Juarez in order to assist in solving these horrendous crimes; and

WHEREAS, Direct and personal involvement by Federal Bureau of Investigation agents, especially in the collection of evidence, is crucial to the expeditious solving of these murders; now, therefore, be it

RESOLVED, That the 78th Legislature of the State of Texas hereby request that the Federal Bureau of Investigation offer to continue to be directly involved in assisting the Mexican law enforcement authorities in their investigation of the brutal murders of women in Juarez, Mexico, in order to put an end to the violence and bring justice to the families and friends of the victims; and, be it further

RESOLVED, That the Texas secretary of state forward official copies of this resolution to the director of the Federal Bureau of Investigation, the attorney general of the United States, the United States secretary of state, and the president of the United States.

HB 2320 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Flores called up with senate amendments for consideration at this time,

HB 2320, A bill to be entitled An Act relating to administration by the Texas Department of Agriculture of quarantined articles.

On motion of Representative Flores, the house concurred in the senate amendments to **HB 2320** by (Record 772): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge;

Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Turner(C).

Absent, Excused — Corte; Hope.

Absent — Delisi; Ellis; Oliveira; Telford.

STATEMENT OF VOTE

When Record No. 772 was taken, my vote failed to register. I would have voted yes.

Ellis

Senate Committee Substitute

HB 2320, A bill to be entitled An Act relating to administration by the Texas Department of Agriculture of quarantined articles.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 12, Agriculture Code, is amended by adding Section 12.0012 to read as follows:

Sec. 12.0012. The department shall, upon submission for publication, notify the division of emergency management in the office of the governor of each quarantine it adopts. The department shall thereafter cooperate with the division of emergency management in implementing any necessary safeguards to protect the state's agricultural resources from potential economic, health, or ecological disaster that may result from the quarantined pest or disease.

SECTION 2. Section 71.008, Agriculture Code, is amended by adding Subsection (f) to read as follows:

(f) This section does not restrict the department's authority to establish on its own initiative an eradication program within a quarantined area to protect the state's agricultural resources.

SECTION 3. Subchapter A, Chapter 71, Agriculture Code, is amended by adding Section 71.0092 to read as follows:

Sec. 71.0092. SEIZURE, TREATMENT, HANDLING, AND DESTRUCTION OF CERTAIN MATERIALS WITHIN QUARANTINED AREA. (a) In this section, "quarantined article" means:

(1) a plant, plant product, substance, or other item capable of hosting or facilitating the dissemination of an insect pest or plant disease that is the subject of a quarantine established by the department under this subchapter; or

(2) a motor vehicle, railcar, other conveyance, or equipment used for, or intended for use in, the transportation or production of an item described by Subdivision (1).

(b) The department by rule may establish treatment and handling requirements for a quarantined article found within a quarantined area. The requirements must be designed to:

(1) prevent dissemination of a dangerous insect pest or plant disease outside the quarantined area or into a pest-free area in the state;

(2) prevent infestation of a quarantined article by a dangerous insect pest or plant disease that is subject to a quarantine established by the department under this subchapter;

(3) decrease the occurrence in this state or a quarantined area of this state of a dangerous insect pest or plant disease that is subject to a quarantine established by the department under this subchapter; or

(4) facilitate the eradication of a dangerous insect pest or plant disease that is subject to a quarantine established by the department under this subchapter.

(c) A person in possession or control of a quarantined article located in a quarantined area shall comply with department rules and orders regarding treatment and handling of the quarantined article.

(d) If a person in possession or control of a quarantined article located in a quarantined area fails to comply with a department rule or order under this section, the department may at the expense of the person or of the owner of the article:

(1) seize the quarantined article and, subject to available department resources and Section 71.010:

(A) isolate the article in a manner designed to prevent the dissemination of the dangerous insect pest or plant disease until the article no longer represents a danger of dissemination or until the person agrees to comply with the rule or order;

(B) treat the article to eliminate the danger of dissemination of the dangerous insect pest or plant disease; or

(C) destroy the article; or

(2) seek an injunction from a district court in Travis County ordering the person to:

(A) comply with the department's rule or order; or

(B) surrender possession of the quarantined article to the department for disposition under Subdivision (1).

(e) If the owner of a quarantined article seized under this section is unknown to the department, the department shall publish notice that not earlier than the fifth day after the date on which the notice is published or posted the department may destroy, treat, or isolate the quarantined article at the owner's expense. The department must publish the notice for three consecutive days in a newspaper of general circulation in the county in which the quarantined article was seized. The notice must include a description of the quarantined article. If an owner claims the quarantined article before the date described by the notice

and agrees in writing to treat or handle the article in a manner provided by department rule or order, the department shall deliver the quarantined article to the owner at the owner's expense. If an owner does not claim the quarantined article before the date described by the notice, the department may destroy or arrange for the destruction of the quarantined article or continue to isolate or treat the quarantined article at the owner's expense. If an owner refuses to agree in writing to comply with the department's rule or order regarding treatment or handling of a quarantined article, the department may destroy or arrange for the destruction of the quarantined article or continue to isolate or treat the quarantined article at the owner's expense, subject to Section 71.010.

(f) In enforcing this section, the department may seek the assistance of the Department of Public Safety under Section 71.0101, or any law enforcement officer of the county in which the quarantined article is located. The Department of Public Safety or local law enforcement officer shall cooperate with the department and provide any assistance necessary to implement this section.

(g) The owner of a quarantined article treated, isolated, or destroyed by the department under this section is liable to the department for the costs of treatment, isolation, and destruction, and the department may bring suit to collect the costs.

(h) The attorney general is entitled to court costs and reasonable attorney's fees in any suit brought on behalf of the department under this section, including any suit for an injunction.

(i) The department may enter into an agreement with a public or private entity to obtain assistance in defraying the cost of implementing this section.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

HB 1882 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Deshotel called up with senate amendments for consideration at this time,

HB 1882, A bill to be entitled An Act relating to incentives for certain high schools and high school students to participate in the Early High School Graduation Scholarship program.

On motion of Representative Deshotel, the house concurred in the senate amendments to **HB 1882**.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 1882** (Senate committee report) on page 1, line 33 amend Section 56.203(2) as follows:

(2) have successfully completed the recommended or advanced high school program established under Section 28.025 ~~requirements for a public high school diploma in not more than 36 consecutive months and graduated or be~~

eligible for graduation from a Texas public high school in not more than 41 consecutive months or, if the person graduated with at least 30 hours of college credit, in not more than 45 consecutive months;

On page 1, line 58 add a new (d) to Section 56.203, Education Code, as follows:

(d) A person who does not satisfy the curriculum requirements of Subsection (a)(2) is considered to have satisfied those requirements if the high school from which the person graduated indicates on the person's transcript that the person was unable to complete the appropriate curriculum within the time prescribed by that subsection solely because necessary courses were unavailable to the person at the appropriate times in the person's high school career as a result of course scheduling, lack of enrollment capacity, or another cause not within the persons control.

On page 2, line 2, strike the newly added phrase "requirements for a public high school diploma" and replace with the phrase "recommended or advanced high school program established under Section 28.025".

On page 2, line 7, strike the newly added phrase "requirements for a public high school diploma" and replace with the phrase "recommended or advanced high school program established under Section 28.025".

On page 2, line 12, strike the newly added phrase "requirements for a public high school diploma" and replace with the phrase "recommended or advanced high school program established under Section 28.025".

On page 3, line 38, add a new SECTION 10 as follows:

SECTION 10. Section 28.025, Education Code, is amended by adding Subsections (g) and (g-1) to read as follows:

(g) If a student, other than a student permitted to take courses under the minimum high school program as provided by Subsection (b), is unable to complete the recommended or advanced high school program solely because necessary courses were unavailable to the student at the appropriate times in the student's high school career as a result of course scheduling, lack of enrollment capacity, or another cause not within the student's control, the school district shall indicate that fact on the students transcript form described by Subsection (e).

(g-1) Subsection (g) applies to students entering grade nine during or after the 2003-2004 school year. This subsection expires January 1, 2004.

Renumber the remaining SECTIONS as appropriate.

HB 1959 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Smithee called up with senate amendments for consideration at this time,

HB 1959, A bill to be entitled An Act relating to facilities and other property of the Dallam-Hartley Counties Hospital District.

On motion of Representative Smithee, the house concurred in the senate amendments to **HB 1959** by (Record 773): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Turner(C).

Absent, Excused — Corte; Hope.

Absent — Menendez; Oliveira; Telford; Wolens.

Senate Committee Substitute

HB 1959, A bill to be entitled An Act relating to facilities and other property of the Dallam-Hartley Counties Hospital District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 8, Chapter 128, Acts of the 66th Legislature, Regular Session, 1979, is amended to read as follows:

Sec. 8. DISTRICT PROPERTY. (a) The board is given complete discretion as to the type, number, and location of buildings required to establish and maintain an adequate hospital system. The hospital system may include facilities deemed necessary for hospital care by the board. The board may construct and maintain an assisted living facility and a related facility that is necessary to operate and maintain an assisted living facility. The district, through the board, is further authorized to enter into an operating or management contract with regard to all or part of its facilities, or may lease all or part of its facilities on terms and conditions considered to be to the best interest of its inhabitants. The district may sell, lease, or otherwise dispose of any real or personal property or equipment of any nature, on terms and conditions found by the board to be in the best interest of its inhabitants. It may contract with public or private institutions and physicians to provide medical and hospital care for its indigent and needy.

(b) The board may prescribe the method and manner of making purchases and expenditures by and for the hospital district, and may prescribe all accounting and control procedures. Contracts for construction involving the expenditure of the amount specified by Section 271.024, Local Government Code, may be made only after advertising in the manner provided by Subchapter B, Chapter 271, Local Government Code. The provisions of Chapter 2253, Government Code, relating to performance and payment bonds apply to construction contracts let by the district. The board may acquire by lease, purchase, option to purchase, or lease to purchase property, facilities, supplies, or equipment. The board may mortgage or pledge the property, facilities, supplies, or equipment and may

pledge the revenues from the property, facilities, supplies, or equipment as security for the payment of the purchase price. Except as permitted in this subsection and Sections 4A, 6, and 7 of this Act, the district may incur no obligation payable from revenues of the district, tax or otherwise, except those on hand or to be on hand within the then current and following fiscal years of the district.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

HB 3552 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Gallego called up with senate amendments for consideration at this time,

HB 3552, A bill to be entitled An Act relating to naming the school of pharmacy at Texas A&M University-Kingsville after Irma Rangel.

On motion of Representative Gallego, the house concurred in the senate amendments to **HB 3552** by (Record 774): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Turner(C).

Absent, Excused — Corte; Hope.

Absent — Dawson; Grusendorf.

STATEMENT OF VOTE

When Record No. 774 was taken, I was in the house but away from my desk. I would have voted yes.

Dawson

Senate Committee Substitute

HB 3552, A bill to be entitled An Act relating to naming the school of pharmacy at Texas A&M University-Kingsville and its physical facility after Irma Rangel.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 87.303, Education Code, is amended to read as follows:

Sec. 87.303. IRMA RANGEL SCHOOL OF PHARMACY.

SECTION 2. Section 87.303(a), Education Code, is amended to read as follows:

(a) The board of regents of The Texas A&M University System may establish and maintain a school of pharmacy as a professional school of Texas A&M University-Kingsville. The school shall be known as the Irma Rangel School of Pharmacy, and the primary building in which the school is operated must include "Irma Rangel" in its official name.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

HR 1349 - ADOPTED

(by Gallego, Puente, Olivo, Solis, and P. Moreno)

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HR 1349**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1349, Recognizing the contributions of the Moreno/Rangel Legislative Leadership Program.

HR 1349 was read and was adopted without objection.

On motion of Representative Goolsby, the names of all the members of the house were added to **HR 1349** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Gallego who introduced participants of the Moreno/Rangel Legislative Leadership Program.

HR 1650 - ADOPTED

(by Pickett)

Representative Pickett moved to suspend all necessary rules to take up and consider at this time **HR 1650**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1650, Honoring the National Center for the Employment of the Disabled.

HR 1650 was adopted without objection.

HR 1449 - READ

HR 1449, In memory of David Paton "Mac" McIntire of Austin, having been previously adopted, was read.

**EMERGENCY CALENDAR
SENATE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**SB 206 ON THIRD READING
(Pitts - House Sponsor)**

SB 206, A bill to be entitled An Act relating to the composition of the permanent school fund and the available school fund and to transfers from the permanent school fund to the available school fund.

SB 206 was passed.

**SB 871 ON THIRD READING
(Allen and Wise - House Sponsors)**

SB 871, A bill to be entitled An Act relating to the sex offender registration program and to requirements imposed on certain persons under the program.

Amendment No. 1

On behalf of Representative Wise, Representative Allen offered the following amendment to **SB 871**:

Amend **SB 871** on third reading by adding the following appropriately numbered SECTION to the bill and by renumbering existing SECTIONS of the bill accordingly:

SECTION _____. Article 62.02(c), Code of Criminal Procedure, is amended to read as follows:

(c) Not later than the third day after a person's registering, the local law enforcement authority with whom the person registered shall send a copy of the registration form to the department and, if the person resides on the campus of a public or private institution of higher education, to any authority for campus security for that institution.

Amendment No. 1 was adopted without objection.

SB 871, as amended, was passed.

**SB 1522 ON THIRD READING
(Luna - House Sponsor)**

SB 1522, A bill to be entitled An Act relating to the continuous eligibility of certain children for medical assistance benefits.

A record vote was requested.

SB 1522 was passed by (Record 775): 140 Yeas, 1 Nay, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego;

Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Nays — Isett.

Present, not voting — Mr. Speaker; Turner(C).

Absent, Excused — Corte; Hope.

Absent — Davis, J.; Dawson; Eissler; Keffer, B.; Wise.

STATEMENTS OF VOTE

When Record No. 775 was taken, I was in the house but away from my desk. I would have voted yes.

Dawson

When Record No. 775 was taken, I was in the house but away from my desk. I would have voted yes.

Eissler

SB 270 ON THIRD READING (Wilson - House Sponsor)

SB 270. A bill to be entitled An Act relating to the continuation and functions of the Texas Lottery Commission.

Amendment No. 1

Representative Wilson offered the following amendment to **SB 270**:

Amend **SB 270** on third reading by adding the following SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. Subchapter C, Chapter 467, Government Code, is amended by adding Section 467.1015 to read as follows:

Sec. 467.1015. COMMISSION EMPLOYEES. The commission or an individual commissioner may employ other personnel as necessary, including executive assistants, to perform the duties of the commission or the duties of the individual commissioner, subject to Chapter 654.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Chisum offered the following amendment to **SB 270**:

Amend **SB 270** on third reading by deleting the following SECTION and renumbering Subsequent SECTIONS of the bill accordingly:

"SECTION _____. Section 466.101, Government Code, is amended by adding Subsections (f) through (i) to read as follows:

(f) In awarding a contract under this chapter or evaluating a bid or proposal relating to a contract, the executive director may consider a vendor's economic impact to the state or a political subdivision of the state."

Amendment No. 2 was withdrawn.

(Speaker in the chair)

Amendment No. 3

Representative Chisum offered the following amendment to **SB 270**:

Amend **SB 270** on third reading by striking Amendment No. 19 from second reading.

(Keel in the chair)

Amendment No. 3 failed of adoption.

SB 270, as amended, was passed. (Berman, Bohac, Flynn, Howard, Phillips, Talton, and West recorded voting no)

SB 1952 ON THIRD READING

(Swinford, Allen, Casteel, R. Cook, and Gallego - House Sponsors)

SB 1952, A bill to be entitled An Act relating to the reorganization of, efficiency in, and other reform measures applying to state government.

Amendment No. 1

Representative Phillips offered the following amendment to **SB 1952**:

Amend **SB 1952** on third reading (house committee printing) by inserting the following appropriately numbered ARTICLE to Part 1 of the bill and renumbering the remaining ARTICLES in Part 1 appropriately:

ARTICLE _____. ALCOHOLIC BEVERAGE REGULATION

SECTION __.01. Subsection (f), Section 107.07, Alcoholic Beverage Code, is amended to read as follows:

(f) Except as provided by Section 107.13, any [Any] person in the business of selling alcoholic beverages in another state or country who ships or causes to be shipped any alcoholic beverage directly to any Texas resident under this section is in violation of this code.

SECTION __.02. Chapter 107, Alcoholic Beverage Code, is amended by adding Section 107.13 to read as follows:

Sec. 107.13. DIRECT SHIPMENT OF WINE. (a) Notwithstanding Section 107.07, a purchaser may have wine shipped directly to the purchaser for the purchaser's personal use from a person holding a direct wine shipper's permit.

(b) A purchaser may not have more than three gallons of wine shipped to the purchaser under this section in any 30-day period.

(c) A purchaser may not have wine shipped into a dry area.

(d) A minor may not have wine shipped under this section.

SECTION __.03. Subtitle A, Title 3, Alcoholic Beverage Code, is amended by adding Chapter 54 to read as follows:

CHAPTER 54. DIRECT WINE SHIPPER'S PERMIT

Sec. 54.01. AUTHORIZED ACTIVITIES. (a) The holder of a direct wine shipper's permit may ship wine manufactured by the permit holder from the holder's state or country directly to a resident of this state for the resident's personal use.

(b) The holder of a direct wine shipper's permit may not:

(1) ship more than three gallons of wine within any 30-day period to a resident or an address in this state;

(2) ship wine to a minor;

(3) ship wine in this state using a carrier that does not hold a carrier's permit under this code; or

(4) ship wine into a dry area.

(c) The holder of a direct wine shipper's permit shall ensure that each package of wine shipped under this section is clearly labeled as containing alcohol and requiring the signature of a person 21 years of age or older for delivery.

(d) The holder of a direct wine shipper's permit shall pay annually:

(1) all taxes, including sales and use taxes, that would be due on the wine shipped if the sale were made in the location where the wine was delivered; and

(2) the administrative fee required to be paid under Section 107.07 or any other provision of this code relating to the importation of wine.

Sec. 54.02. QUALIFICATION FOR PERMIT. To hold a direct wine shipper's permit, a person must hold a license or permit that authorizes the person to sell wine directly to a consumer in the state or country from which the wine is shipped.

Sec. 54.03. FEE. The initial fee for a direct wine shipper's permit is \$100. The holder of a direct wine shipper's permit may renew the permit annually by paying a \$25 renewal fee and providing the commission with proof of compliance with Section 54.02.

Sec. 54.04. REPORTS. The holder of a direct wine shipper's permit shall, not later than January 15 of each year, file a report with the commission showing the amounts and the sale prices of wine shipped into the state during the preceding calendar year and any other information that the commission by rule requires.

Sec. 54.05. RULES. The commission shall adopt rules regarding:

(1) the manner in which taxes and fees required under Section 54.01(d) will be computed and collected;

(2) records that the holder of a direct wine shipper's permit shall maintain; and

(3) the audit of records maintained by the holder of a direct wine shipper's permit.

Sec. 54.06. ALTERNATIVES TO SUSPENSION OR CANCELLATION. Section 11.64 applies to a permit issued under this chapter.

SECTION __.04. Section 110.051, Alcoholic Beverage Code, is amended to read as follows:

Sec. 110.051. PROMOTION, MARKETING, AND EDUCATION. The program shall:

(1) organize a network of package stores to participate in a program promoting wines produced in this state [~~and to deliver wine to consumers under Section 110.053~~];

(2) develop and maintain a database of wineries in this state and package stores that sell wines produced in this state that allows the program's staff to identify the winery in this state that produces a particular wine;

(3) operate a toll-free telephone number to:

(A) receive inquiries from persons who wish to purchase a particular wine produced in this state;

(B) make information about the wineries in this state and the package stores participating in the program available to the public; and

(C) refer a person who wishes to purchase a Texas wine to the winery that produces the wine and package stores that sell the wine and inform the person of arrangements that the person can make under Section 107.13 [~~110.053~~] to [~~pick up the wine at a package store or~~] have the wine delivered to the person's address;

(4) use market research to develop a wine industry marketing plan to increase the consumption of and access to Texas wine;

(5) educate the public about wines produced in the state by providing publicity about the information in the program's database to the public and making the information available to the public through the department's toll-free telephone number and electronically available through the Internet;

(6) promote wineries in this state and package stores that participate in the program; and

(7) promote and market, and educate consumers about, the wines produced in this state using any other method the commissioner determines is appropriate.

SECTION __.05. Sections 107.12, 110.052, 110.053, 110.054, and 110.055, Alcoholic Beverage Code, are repealed.

SECTION __.06. This article applies only to the direct shipment of wine on or after the effective date of this article. The direct shipment of wine before the effective date of this article is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

Amendment No. 1 was withdrawn.

Amendment No. 2

Representative Stick offered the following amendment to **SB 1952**:

Amend **SB 1952**, on third reading, as follows:

(1) On page 1 of the bill, between lines 5 and 6, insert the following new SECTIONS:

SECTION 1. Section 408.221, Labor Code, is amended by amending Subsection (f) to read as follows:

(f) Subject to Section 408.223, the [The] commission by rule shall provide guidelines for maximum attorney's fees for specific services in accordance with this section.

SECTION 2. Section 408.222, Labor Code, is amended by adding Subsection (c) to read as follows:

(c) An attorney's fee determined under this section is subject to Section 408.223.

SECTION 3. Subchapter L, Chapter 408, Labor Code, is amended by adding Section 408.223 to read as follows:

Sec. 408.223. MAXIMUM HOURLY RATE FOR LEGAL FEES. (a) The maximum hourly rate for an attorney's fee subject to Section 408.221 or 408.222 is 35 percent of the state average weekly wage.

(b) The maximum hourly rate for a legal assistant's fee subject to Section 408.221 or 408.222 is 12 percent of the state average weekly wage.

(c) For purposes of this subsection, "state average weekly wage" means the wage computed under Section 408.047.

(2) On page 1 of the bill, line 6, strike "SECTION 1" and substitute "SECTION 4".

(3) On page 1 of the bill, line 21, strike "SECTION 2. This" and substitute "SECTION 5. (a) Except as provided by Subsection (b) of this section, this".

(4) On page 2 of the bill, insert the following immediately after line 1:

(b) Sections 1-3 of this Act take effect September 1, 2003, and apply only to legal fees for a claim for workers' compensation benefits based on a compensable injury that occurs on or after that date. Legal fees for a claim based on a compensable injury that occurs before that date are governed by the law in effect on the date that the compensable injury occurred, and the former law is continued in effect for that purpose.

Amendment No. 2 was withdrawn.

Amendment No. 3

Representative Eiland offered the following amendment to **SB 1952**:

Amend **SB 1952** on third reading by striking ARTICLE 1N of the bill (page 42, line 14, through page 43, line 24) and renumbering ARTICLES in PART 1 of the bill accordingly.

A record vote was requested.

Amendment No. 3 was adopted by (Record 776): 113 Yeas, 23 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Capelo; Castro; Chavez; Christian; Coleman; Cook, B.; Cook, R.; Crownover; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Hartnett; Hegar; Hochberg; Hodge; Homer; Hopson; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, J.; King; Kolkhorst; Krusee;

Kuempel; Laney; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Naishtat; Nixon; Noriega; Olivo; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Ritter; Rodriguez; Rose; Smithee; Solis; Stick; Talton; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; Wilson; Wise; Woolley; Zedler.

Nays — Bohac; Casteel; Chisum; Crabb; Dawson; Grusendorf; Harper-Brown; Heflin; Hilderbran; Hill; Howard; Keffer, B.; Laubenberg; Morrison; Mowery; Paxton; Smith, T.; Smith, W.; Solomons; Swinford; West; Wolens; Wong.

Present, not voting — Mr. Speaker; Keel(C).

Absent, Excused — Corte; Hope.

Absent — Branch; Canales; Jones, E.; Keffer, J.; Oliveira; Pitts; Riddle; Seaman; Turner; Wohlgemuth.

Amendment No. 4

Representative Wilson offered the following amendment to **SB 1952**:

Amend **SB 1952** on third reading by striking Article 2D, relating to sales tax on motor vehicles, in Part 2 of the bill.

A record vote was requested.

Amendment No. 4 was adopted by (Record 777): 112 Yeas, 26 Nays, 2 Present, not voting.

Yeas — Alonzo; Bailey; Baxter; Bohac; Bonnen; Branch; Brown, F.; Burnam; Callegari; Campbell; Capelo; Castro; Chavez; Coleman; Cook, B.; Cook, R.; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Geren; Giddings; Goolsby; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hardcastle; Harper-Brown; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; King; Kolkhorst; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Solis; Solomons; Stick; Talton; Taylor; Telford; Thompson; Truitt; Uresti; Villarreal; Wilson; Wise; Woolley.

Nays — Allen; Berman; Brown, B.; Canales; Casteel; Chisum; Christian; Crabb; Driver; Gattis; Goodman; Griggs; Hamric; Hartnett; Heflin; Keffer, J.; Krusee; Pitts; Seaman; Smithee; Swinford; Van Arsdale; West; Wohlgemuth; Wong; Zedler.

Present, not voting — Mr. Speaker; Keel(C).

Absent, Excused — Corte; Hope.

Absent — Crownover; Keffer, B.; Marchant; Mowery; Oliveira; Riddle; Turner; Wolens.

STATEMENT OF VOTE

When Record No. 777 was taken, I was temporarily out of the house chamber. I would have voted no.

Oliveira

SB 1952 - MOTION FOR PREVIOUS QUESTION

Representative Lewis moved the previous question on passage of **SB 1952**.

The motion prevailed.

SB 1952, as amended, was passed. (Hodge, D. Jones, McClendon, and Telford recorded voting no)

MAJOR STATE CALENDAR SENATE BILLS THIRD READING

The following bills were laid before the house and read third time:

SB 1771 ON THIRD READING (J. Keffer - House Sponsor)

SB 1771, A bill to be entitled An Act relating to economic development programs and funding.

Amendment No. 1

Representative Hill offered the following amendment to **SB 1771**:

Amend **SB 1771** on third reading by striking that SECTION of the bill amending Section 403.302(d), Government Code, and renumbering subsequent SECTIONS of the bill accordingly.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Christian offered the following amendment to **SB 1771**:

Amend **SB 1771** on third reading by adding the following appropriately numbered article to the bill:

ARTICLE _____. CREATION AND OPERATION OF A TEXAS CERTIFIED
RETIREMENT COMMUNITY PROGRAM.

SECTION _____.01 Subchapter L, Chapter 481, Government Code, is amended by adding Section 481.175 to read as follows:

Sec. 481.175. TEXAS CERTIFIED RETIREMENT COMMUNITY PROGRAM. (a) In this section, "program" means the Texas Certified Retirement Community Program.

(b) The department shall, after appropriate research has been conducted, establish and maintain a Texas Certified Retirement Community Program in which retirees and potential retirees are encouraged to make their homes in Texas communities that have met the criteria for certification by the department as a

Texas certified retirement community. In support of the program, the department shall identify issues of interest to retirees or potential retirees to inform those persons of the benefits of living in Texas. Issues of interest to retirees or potential retirees may include:

- (1) Texas' state and local tax structure;
- (2) housing opportunities and cost;
- (3) climate;
- (4) personal safety;
- (5) working opportunities;
- (6) health care services and other services along the continuum of care, including home-based and community-based services, housing for the elderly, assisted living, personal care, and nursing care facilities;
- (7) transportation;
- (8) continuing education;
- (9) leisure living;
- (10) recreation;
- (11) the performing arts;
- (12) festivals and events;
- (13) sports at all levels; and
- (14) other services and facilities that are necessary to enable persons to age in the community and in the least restrictive environment.

(c) During the preliminary, research phase of the program, the department shall consult with the Office of Rural Community Affairs to establish rural parameters for program certification.

(d) The mission of the program is to:

- (1) promote this state as a retirement destination to retirees and potential retirees both in and outside of Texas;
- (2) assist Texas communities in their efforts to market themselves as retirement locations and to develop communities that retirees would find attractive for a retirement lifestyle;
- (3) assist in the development of retirement communities and life-care communities for economic development purposes and as a means of providing a potential workforce and enriching Texas communities; and
- (4) encourage tourism to Texas in the form of mature market travel to Texas in reference to retirement desirability for the future and for the visitation of those who have chosen to retire in Texas.

(e) The department shall coordinate the development and planning of the program with the governor, the Office of Rural Community Affairs, and any other state or local entity interested in participating in and promoting the program.

(f) To obtain certification as a Texas certified retirement community, the following criteria must be met:

- (1) a resolution endorsing the local retirement recruitment effort must be adopted by the governing body of the applicable local political subdivision;
- (2) the program must have an official sponsoring organization that fulfills the duties described by Subsection (g);

(3) a hospital and emergency medical services must be readily accessible to the community;

(4) the community must maintain information on both resale housing and rental housing to ensure that the quantity is sufficient to meet the needs of potential new retiree residents; and

(5) the community must conduct a retiree desirability assessment that emphasizes appropriate factors, including medical services, adult education opportunities, shopping, recreation, cultural opportunities, safety, aging services, and other services along a continuum of care, including home-based and community-based services, housing for the elderly, assisted living, personal care, and nursing care facilities.

(g) An official sponsoring organization shall:

(1) develop a community profile similar to that used by chambers of commerce, to include facts regarding crime statistics, tax information, recreational opportunities, and housing availability;

(2) appoint an individual who will be accountable to the community and to the state; and

(3) commit a minimum of \$10,000 each year for the local program.

(h) Each local political subdivision must have a general retiree attraction committee and a minimum of four subcommittees as follows:

(1) a community inventory/assessment subcommittee, which shall conduct an unbiased inventory and assessment of whether the community can offer the basics that retirees demand and develop a professional portfolio containing brief biographies of professionals in the community;

(2) a community relations/fund-raising subcommittee, which shall locate retirees living in the community, act as salespersons for the program, raise money necessary to run the program, recruit subcommittee members, organize special events, and promote and coordinate the program with local entities;

(3) a marketing and promotion subcommittee, which shall establish a community image, evaluate target markets, develop and distribute promotional material, and coordinate advertising and public relations campaigns; and

(4) an ambassadors subcommittee, which shall serve as the first contact with prospective retirees, provide tours and tour guides when prospects visit the community, respond to inquiries, log contacts made, invite prospects to special community events, and maintain continual contact with prospects until the time the prospects make a retirement location decision.

(i) A retiree attraction committee shall:

(1) submit a marketing plan detailing the mission, the target market, the competition, an analysis of the community's strengths, weaknesses, opportunities and threats, and the strategies the program will employ to attain its goals;

(2) work to gain the support of churches, clubs, businesses, and the local media, as necessary for the success of the program; and

(3) submit a commitment and long-term plan as described by Subsection (k).

(j) During the certification process, a representative of the retirement attraction committee shall attend state training meetings.

(k) Before certification is awarded, the retiree attraction committee shall submit a written three-year commitment to the program and a long-term plan outlining steps the community will undertake to maintain its desirability as a destination for retirees. The long-term plan must outline plans to correct any facility and service deficiencies identified in the retiree desirability assessment required by Subsection (f)(5). The written commitment and long-range plan shall be forwarded to the department.

(l) Not later than the 90th day after the date of certification, the governing body of a local political subdivision shall submit a complete retiree attraction package to the department.

(m) On the certification of a community as a Texas certified retirement community under this section, the department shall provide the following assistance to the community:

(1) assistance in the training of local staff and volunteers;

(2) ongoing oversight and guidance in marketing, plus updates on national retirement trends;

(3) inclusion in the state's national advertising and public relations campaigns and travel show promotions, including a prominent feature on the department's Internet website;

(4) eligibility for state financial assistance for brochures, support material, and advertising; and

(5) an annual evaluation and progress assessment on maintaining and improving the community's desirability as a home for retirees.

(n) The department shall adopt rules to implement this section.

SECTION _____.02 The Texas Department of Economic Development shall implement the program created by Section 481.175, Government Code, as added by this Act, not later than September 1, 2004.

Amendment No. 2 was withdrawn.

Amendment No. 3

Representatives Mabry and Dunnam offered the following amendment to **SB 1771**:

Amend **SB 1771** on third reading by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS appropriately:

SECTION _____. Subdivision (2), Section 351.001, Tax Code, is amended to read as follows:

(2) "Convention center facilities" or "convention center complex" means facilities that are primarily used to host conventions and meetings. The term means civic centers, civic center buildings, auditoriums, exhibition halls, and coliseums that are owned by the municipality or other governmental entity or that are managed in whole or part by the municipality. In a municipality with a population of 1.5 million or more, "convention center facilities" or "convention center complex" means civic centers, civic center buildings, auditoriums, exhibition halls, and coliseums that are owned by the municipality or other governmental entity or that are managed in part by the municipality, hotels owned by the municipality or a nonprofit municipally sponsored local government

corporation created under Chapter 431, Transportation Code, within 1,000 feet of a convention center owned by the municipality, or a historic hotel owned by the municipality or a nonprofit municipally sponsored local government corporation created under Chapter 431, Transportation Code, within one mile of a convention center owned by the municipality. The term includes parking areas or facilities that are for the parking or storage of conveyances and that are located at or in the vicinity of other convention center facilities. The term also includes a hotel owned by or located on land that is owned by an eligible central municipality or by a nonprofit corporation acting on behalf of an eligible central municipality and that is located within 1,000 feet of a convention center facility owned by the municipality. In a municipality that has a population of less than 114,000 and that contains a portion of the Bosque River, the terms include a hotel owned by or located on land that is owned by the municipality or by a nonprofit corporation acting on behalf of the municipality and that is located within 1,500 feet of a convention center facility owned by the municipality.

SECTION __. Subsection (a), Section 351.102, Tax Code, is amended to read as follows:

(a) Subject to the limitations provided by this subchapter, a municipality may pledge the revenue derived from the tax imposed under this chapter for the payment of bonds that are issued under Section 1504.002(a), Government Code, for one or more of the purposes provided by Section 351.101 or, in the case of a municipality of 1,500,000 or more, for the payment of principal of or interest on bonds or other obligations of a municipally sponsored local government corporation created under Chapter 431, Transportation Code, that were issued to pay the cost of the acquisition and construction of a convention center hotel or the cost of acquisition, remodeling, or rehabilitation of a historic hotel structure; provided, however, such pledge may only be that portion of the tax collected at such hotel. A municipality that has a population of less than 114,000 and that contains a portion of the Bosque River may pledge revenue from the tax imposed under this chapter and collected at convention center facilities for the payment of bonds or other obligations that a nonprofit corporation acting on behalf of the municipality issued or incurred to acquire, lease, construct, or equip the convention center facilities.

SECTION __. Subdivision (2), Section 352.001, Tax Code, is amended to read as follows:

(2) "Convention center facilities" or "convention center complex" means civic centers, civic center buildings, auditoriums, exhibition halls, and coliseums that are owned by the county or that are managed in whole or part by the county. The terms include ~~term includes~~ parking areas or facilities that are for the parking or storage of conveyances and that are located at or in the immediate vicinity of other convention center facilities.

SECTION __. Section 1477.302, Government Code, is amended to read as follows:

Sec. 1477.302. AUTHORITY FOR VISITOR OR TOURIST ATTRACTIONS. (a) In this section, "convention center facilities" and "convention center complex" have the meanings assigned by Section 352.001, Tax Code.

(b) A county may establish, acquire, lease as lessor or lessee, construct, improve, enlarge, equip, repair, operate, or maintain:

(1) a public improvement or facility to attract visitors or tourists to the county, including convention center facilities, a convention center complex, or a ~~civic center, a civic center building, an auditorium, an exhibition hall, a coliseum,~~ stadium~~;~~ or other sports facility; or

(2) a parking facility located at or in the immediate vicinity of an improvement or facility described by Subdivision (1) to be used in connection with the improvement or facility for off-street parking or storage of motor vehicles or other conveyances.

SECTION __. Subsection (a), Section 1504.001, Government Code, is amended to read as follows:

(a) A municipality may establish, acquire, lease as lessee or lessor, construct, improve, enlarge, equip, repair, operate, or maintain a facility such as:

(1) a civic center, auditorium, opera house, music hall, exhibition hall, coliseum, museum, library, or other municipal building;

(2) a golf course, tennis court, or other similar recreational facility;

(3) a hotel owned by a municipality or a nonprofit municipally sponsored local government corporation created under Chapter 431, Transportation Code, that is located not more than 1,000 feet from a convention center owned by a municipality with a population of 1,500,000 or more, or that is located within 1,500 feet of a convention center facility owned by a municipality that has a population of less than 114,000 and that contains a portion of the Bosque River;

(4) a historic hotel owned by a municipality or a nonprofit municipally sponsored local government corporation created under Chapter 431, Transportation Code, that is located not more than one mile from a convention center owned by a municipality with a population of 1,500,000 or more; or

(5) a parking facility at or in the immediate vicinity of a facility described by Subdivisions (1)-(4) for use in connection with that facility for off-street parking or storage of motor vehicles or other conveyances.

SECTION __. Subdivision (8), Section 2303.003, Government Code, is amended to read as follows:

(8) "Qualified hotel project" means a hotel proposed to be constructed by a municipality or a nonprofit municipally sponsored local government corporation created under the Texas Transportation Corporation Act, Chapter 431, Transportation Code, that is within 1,000 feet of a convention center owned by a municipality with ~~having~~ a population of 1,500,000 or more, or that is located within 1,500 feet of a convention center facility owned by a municipality that has a population of less than 114,000 and that contains a portion of the Bosque River. The term includes ~~including~~ shops, parking facilities, and any other facilities ancillary to the hotel.

SECTION __. Subsection (b), Section 2303.5055, Government Code, is amended to read as follows:

(b) A municipality with a population of 1,500,000 or more, or a municipality that has a population of less than 114,000 and that contains a portion of the Bosque River, may agree to guarantee from hotel occupancy taxes the bonds or other obligations of a municipally sponsored local government corporation created under the Texas Transportation Corporation Act (Article 1528I, Vernon's Texas Civil Statutes) that were issued or incurred to pay the cost of construction, remodeling, or rehabilitation of a qualified hotel project.

Amendment No. 3 was adopted without objection.

A record vote was requested.

SB 1771, as amended, was passed by (Record 778): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keffer, B.; Keffer, J.; King; Kolkhorst; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Keel(C).

Absent, Excused — Corte; Hope.

Absent — Flores; Hodge; Krusee; McClendon; Oliveira; Peña; Riddle.

STATEMENT OF VOTE

When Record No. 778 was taken, I was in the house but away from my desk. I would have voted yes.

McClendon

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of a committee engagement:

Chavez on motion of Hill.

The following member was granted leave of absence for the remainder of today because of important business:

Giddings on motion of Goolsby.

SB 1862 ON THIRD READING
(Wohlgemuth - House Sponsor)

SB 1862, A bill to be entitled An Act relating to health and human services.

A record vote was requested.

SB 1862 was passed by (Record 779): 137 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Capelo; Casteel; Castro; Chisum; Christian; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Keel(C).

Absent, Excused — Chavez; Corte; Giddings; Hope.

Absent — Canales; Coleman; Dutton; Naishtat; Swinford; Villarreal; Wise.

SB 266 ON THIRD READING
(Gallego and Hartnett - House Sponsors)

SB 266, A bill to be entitled An Act relating to the continuation and functions of the Board of Law Examiners.

SB 266 was passed.

SB 1731 ON THIRD READING
(Chisum and Farabee - House Sponsors)

SB 1731, A bill to be entitled An Act relating to fees imposed by certain counties for the preservation, restoration, and management of certain county records.

SB 1731 was passed.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

**SB 1370 ON THIRD READING
(Delisi - House Sponsor)**

SB 1370, A bill to be entitled An Act relating to certain group benefit plans provided to certain governmental officers, employees, and retirees and their dependents.

Amendment No. 1

Representative Delisi offered the following amendment to **SB 1370**:

Amend **SB 1370** on third reading as follows:

(1) In added Section 2054.131, Government Code, as added by Amendment No. 2 by Delisi, in Subsection (b), between "electronic infrastructure through which each state agency" and the comma, insert "that elects to participate."

(2) In added Section 2054.131, Government Code, as added by Amendment No. 2 by Delisi, in Subsection (d), between "to all state agencies" and the "without cost", insert "that elect to participate".

(3) In SECTION _____.02, as added by Amendment No. 2 by Delisi, strike "each state agency shall" and substitute "each state agency may".

(4) In Section 2054.131(b), Government Code, as amended by Amendment No. 3 by Delisi, by inserting "state-financed", between "any" and "retirement".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Delisi offered the following amendment to **SB 1370**:

Amend **SB 1370** on third reading as follows:

In Section 2.04 of the bill, amended Section 1551.102 (f), Insurance Code, by inserting "824.302", between "814.207", and "834.201".

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Delisi offered the following amendment to **SB 1370**:

Amend Amendment No. 6 adopted on second reading by Menendez on **SB 1370** as follows:

On line 16, insert "or other non-general revenue funds", between "Act" and "for".

Amendment No. 3 was withdrawn.

Amendment No. 4

Representative Delisi offered the following amendment to **SB 1370**:

Amend Amendment No. 6 adopted on second reading by Menendez on **SB 1370** as follows:

On line 18, insert "or other non-general revenue funds", between "Act" and "for".

Amendment No. 4 was withdrawn.

Amendment No. 5

Representative Alonzo offered the following amendment to **SB 1370**:

Amend **SB 1370**, on third reading, in ARTICLE 1 of the bill, by inserting a new SECTION, appropriately numbered, to read as follows:

(1) Section 1. _____. Subchapter E, Chapter 3, Insurance Code, is amended by adding Article 3.50-10 to read as follows:

Art. 3.50-10. STUDY ON EQUALITY OF COVERAGE

Sec. 1. DEFINITION. In this article, "trustee" means the Teacher Retirement System of Texas.

Sec. 2. STUDY. (a) To the extent that funds are available to the trustee for this purpose, the trustee shall conduct a study as provided by this section regarding the health benefits provided to teachers in this state.

(b) The study must:

(1) analyze the benefits provided to state employees for health care coverage;

(2) determine the average benefits provided to active teachers in this state for health care coverage, including benefits for teachers whose employing school districts do not participate in the uniform group coverage program established under Article 3.50-7 of this code; and

(3) based on the information obtained under Subdivisions (1) and (2) of this subsection, compare the health benefit coverages provided to state employees with those provided to teachers.

(c) The study must include an analysis of the costs and benefits resulting to this state that would be derived from increasing the benefits provided to teachers to the level of the benefits provided to state employees.

Sec. 3. REPORT. The department shall report the results of the study conducted under this article to the governor, the lieutenant governor, the speaker of the house of representatives, and the members of the 79th Legislature not later than January 15, 2005.

Sec. 4. EXPIRATION. This article expires July 1, 2005.

(2) Renumber the subsequent SECTIONS of ARTICLE 1 of the bill appropriately.

A record vote was requested.

Amendment No. 5 failed of adoption by (Record 780): 46 Yeas, 88 Nays, 2 Present, not voting.

Yeas — Alonzo; Burnam; Capelo; Castro; Coleman; Davis, Y.; Dukes; Dunnam; Dutton; Eiland; Escobar; Farabee; Farrar; Flores; Garza; Guillen; Gutierrez; Haggerty; Hochberg; Hodge; Laney; Lewis; Mabry; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Naishtat; Noriega; Olivo; Peña; Pickett; Quintanilla; Raymond; Rodriguez; Rose; Solis; Telford; Thompson; Uresti; Villarreal; Wilson; Wise.

Nays — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Crabb; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Edwards; Eissler; Elkins; Ellis; Flynn; Gattis; Goodman; Goolsby; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; Marchant; McCall; Mercer; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pitts; Puente; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Keel(C).

Absent, Excused — Chavez; Corte; Giddings; Hope.

Absent — Bailey; Canales; Crownover; Gallego; Geren; Jones, J.; Luna; Oliveira; Turner; Wolens.

STATEMENT OF VOTE

I was shown voting no on Record No. 780. I intended to vote yes.

Deshotel

A record vote was requested.

SB 1370, as amended, was passed by (Record 781): 92 Yeas, 42 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Crabb; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Edwards; Eissler; Elkins; Ellis; Farabee; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Homer; Howard; Hughes; Hunter; Hupp; Isett; Jones, E.; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Madden; Marchant; McCall; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Pickett; Pitts; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Capelo; Castro; Coleman; Davis, Y.; Dunnam; Dutton; Escobar; Farrar; Flores; Gallego; Garza; Gutierrez; Hochberg; Hodge; Hopson; Jones, D.; Jones, J.; Mabry; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Olivo; Peña; Phillips; Puente; Quintanilla; Rodriguez; Solis; Telford; Thompson; Uresti; Villarreal; Wilson; Wise.

Present, not voting — Mr. Speaker; Keel(C).

Absent, Excused — Chavez; Corte; Giddings; Hope.

Absent — Canales; Crownover; Dukes; Eiland; Guillen; Oliveira; Raymond; Rose; Turner; Wolens.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 781. I intended to vote no.

Deshotel

When Record No. 781 was taken, I was temporarily out of the house chamber. I would have voted no.

Oliveira

**SB 1369 ON THIRD READING
(Delisi - House Sponsor)**

SB 1369, A bill to be entitled An Act relating to certain group benefits for retired school employees.

Amendment No. 1

Representative Delisi offered the following amendment to **SB 1369**:

Amend **SB 1369** on third reading as follows:

(1) In added Section 2054.131, Government Code, as added by Amendment No. 2 by Delisi, in Subsection (b), between "electronic infrastructure through which each state agency" and the comma, insert "that elects to participate."

(2) In added Section 2054.131, Government Code, as added by Amendment No. 2 by Delisi, in Subsection (d), between "to all state agencies" and the "without cost", insert "that elect to participate".

(3) In SECTION _____.02, as added by Amendment No. 2 by Delisi, strike "each state agency shall" and substitute "each state agency may".

(4) In Section 2054.131 (b), Government Code, as amended by Amendment No. 3 by Delisi, by inserting "state-financed", between "any" and "retirement".

Amendment No. 1 was adopted without objection.

SB 1369, as amended, was passed. (Alonzo, Capelo, Coleman, Y. Davis, Ellis, Guillen, Hochberg, Hodge, Hopson, McClendon, Phillips, and Thompson recorded voting no)

**SB 76 ON THIRD READING
(Grusendorf and Villarreal - House Sponsors)**

SB 76, A bill to be entitled An Act relating to the provision of subsidized child-care services.

Amendment No. 1

On behalf of Representative Howard, Representative Grusendorf offered the following amendment to **SB 76**:

Amend **SB 76** on third reading as follows:

(1) In SECTION 4 of the bill, in the first sentence of added Subsection (d), Section 29.158, Education Code (page 5, lines 3 through 4), strike "Texas Workforce Commission".

(2) In SECTION 4 of the bill, in the first sentence of added Subsection (d), Section 29.160, Education Code (page 7, line 18), strike "is entitled to" and substitute "may request, from the appropriate state agency.".

(3) In SECTION 4 of the bill, in the second sentence of added Subsection (d), Section 29.160, Education Code (page 7, line 26), strike "must" and substitute "may".

(4) In SECTION 4 of the bill, at the end of added Subsection (d), Section 29.160, Education Code (page 8, line 2), insert "A state agency receiving a request from an entity to seek an available federal waiver under this subsection shall, not later than the 30th day after the date on which the request is made, notify the entity whether the agency intends to seek the waiver. A request for a federal waiver under this subsection may only be rejected if the state agency has reason to believe that the operation of the federal waiver would result in the state agency's failure to comply with federal law or regulations or could result in penalties to the state.".

Amendment No. 1 was adopted without objection.

SB 76, as amended, was passed. (Berman recorded voting no)

SB 1696 ON THIRD READING **(Hill - House Sponsor)**

SB 1696, A bill to be entitled An Act relating to the issuance of obligations by certain municipalities to pay unfunded liabilities to public pension funds.

A record vote was requested.

SB 1696 was passed by (Record 782): 91 Yeas, 35 Nays, 2 Present, not voting.

Yeas — Allen; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Christian; Cook, B.; Crabb; Crownover; Dawson; Delisi; Denny; Driver; Dukes; Dutton; Eissler; Farabee; Flynn; Gallego; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Gutierrez; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Homer; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Laubenberg; Lewis; Luna; Madden; Marchant; McCall; McReynolds; Menendez; Mercer; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Puente; Reyna; Seaman; Smith, T.; Smith, W.; Solomons; Stick; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Nays — Burnam; Capelo; Castro; Coleman; Davis, Y.; Deshotel; Dunnam; Eiland; Elkins; Ellis; Escobar; Farrar; Garza; Guillen; Hodge; Hopson; Jones, J.; Kuempel; Laney; Mabry; Martinez Fischer; McClendon; Merritt; Moreno, J.; Moreno, P.; Noriega; Olivo; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Telford; Wise.

Present, not voting — Mr. Speaker; Keel(C).

Absent, Excused — Chavez; Corte; Giddings; Hope.

Absent — Alonzo; Bailey; Baxter; Branch; Canales; Chisum; Cook, R.; Davis, J.; Edwards; Flores; Haggerty; Naishtat; Oliveira; Peña; Riddle; Smithee; Swinford; Wilson.

STATEMENT OF VOTE

I was shown voting no on Record No. 782. I intended to vote yes.

Deshotel

SB 705 ON THIRD READING (Truitt and Lewis - House Sponsors)

SB 705, A bill to be entitled An Act relating to the donation by a county of salvage and surplus property to a civic or charitable organization.

A record vote was requested.

SB 705 was passed by (Record 783): 119 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Capelo; Casteel; Castro; Chisum; Christian; Cook, B.; Crabb; Crownover; Davis, Y.; Dawson; Delisi; Denny; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flynn; Gallego; Garza; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, J.; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Solis; Solomons; Stick; Talton; Taylor; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Keel(C).

Absent, Excused — Chavez; Corte; Giddings; Hope.

Absent — Alonzo; Bailey; Bohac; Canales; Coleman; Cook, R.; Davis, J.; Deshotel; Dunnam; Flores; Haggerty; Jones, E.; Morrison; Oliveira; Peña; Riddle; Smith, W.; Smithee; Swinford; Telford; Thompson; Wilson; Wise; Wohlgenuth; Wolens.

STATEMENTS OF VOTE

When Record No. 783 was taken, I was with a constituent. I would have voted yes.

Bohac

When Record No. 783 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

When Record No. 783 was taken, I was in the house but away from my desk. I would have voted yes.

Thompson

SB 966 ON THIRD READING (Grusendorf - House Sponsor)

SB 966, A bill to be entitled An Act relating to the comptroller entering into an agreement with a credit or debit card issuer for the benefit of public schools.

A record vote was requested.

SB 966 was passed by (Record 784): 129 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Capelo; Casteel; Castro; Chisum; Christian; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Isett; Jones, D.; Jones, J.; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Solomons; Stick; Swinford; Talton; Taylor; Telford; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Keel(C).

Absent, Excused — Chavez; Corte; Giddings; Hope.

Absent — Berman; Burnam; Canales; Coleman; Dunnam; Hupp; Jones, E.; Oliveira; Riddle; Smith, W.; Smithee; Solis; Thompson; Wilson; Wise.

STATEMENT OF VOTE

When Record No. 784 was taken, I was in the house but away from my desk. I would have voted yes.

Thompson

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of illness in the family:

Riddle on motion of Casteel.

**SB 1664 ON THIRD READING
(Christian, Hopson, and Wise - House Sponsors)**

SB 1664, A bill to be entitled An Act relating to private activity bonds.

SB 1664 was passed.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 4).

**SB 734 ON THIRD READING
(Hunter - House Sponsor)**

SB 734, A bill to be entitled An Act relating to the power of appointment in certain municipalities having city managers.

SB 734 was passed.

**SB 782 ON THIRD READING
(Capelo and Keel - House Sponsors)**

SB 782, A bill to be entitled An Act relating to the authority of a county or municipality to contract for collection services in criminal cases and certain cases involving the parking or stopping of motor vehicles.

Amendment No. 1

Representatives Capelo and Corte offered the following amendment to **SB 782**:

Amend **SB 782** (house committee report), on third reading, as follows:

(1) In SECTION 1 of the bill, in amended Article 103.0031(a)(1), Code of Criminal Procedure, between "costs," and "and" (page 1, line 14), insert "forfeited bonds,".

(2) In SECTION 1 of the bill, in amended Article 103.0031(f)(1), Code of Criminal Procedure, between "fee," and "or" (page 4, line 13), insert "forfeited bond,".

(3) In SECTION 1 of the bill, in amended Article 103.0031, Code of Criminal Procedure, strike existing Subsection (h) (page 4, lines 23 and 24), and substitute the following:

(h) This section does not apply to the collection of commercial bail bonds.

(4) In SECTION 3 of the bill, strike Subsections (a) and (b) (page 5, line 27 through page 6, line 11) and substitute the following:

(a) The change in law made by this Act to Article 103.0031, Code of Criminal Procedure, applies to a debt, account receivable, or an amount incurred as a result of the commission of a criminal or civil offense committed before, on,

or after the effective date of this Act, except that the collection fee does not apply to an amount incurred under Subsection (a)(2) if the criminal or civil offense was committed before the effective date of this Act.

(b) The change in law made by this Act to Section 682.010, Transportation Code, applies to a debt, account receivable, or an amount incurred as the result of a civil offense committed before, on, or after the effective date of this Act, other than a debt, account receivable, or amount satisfied before that date.

Amendment No. 1 was adopted without objection.

A record vote was requested.

SB 782, as amended, was passed by (Record 785): 128 Yeas, 0 Nays, 4 Present, not voting.

Yeas — Allen; Baxter; Berman; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Capelo; Casteel; Castro; Chisum; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard; Hunter; Hupp; Isett; Jones, E.; Jones, J.; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; West; Wilson; Wohlgenuth; Wolens; Woolley; Zedler.

Present, not voting — Mr. Speaker; Keel(C); Lewis; Villarreal.

Absent, Excused — Chavez; Corte; Giddings; Hope; Riddle.

Absent — Alonzo; Bailey; Bohac; Canales; Christian; Coleman; Cook, B.; Driver; Garza; Hughes; Jones, D.; Wise; Wong.

STATEMENTS OF VOTE

When Record No. 785 was taken, I was with a constituent. I would have voted yes.

Bohac

When Record No. 785 was taken, I was in the house but away from my desk. I would have voted yes.

B. Cook

When Record No. 785 was taken, I was in the house but away from my desk. I would have voted yes.

D. Jones

SB 618 ON THIRD READING
(Dutton - House Sponsor)

SB 618, A bill to be entitled An Act relating to the consequences of a public school's being considered low-performing.

SB 618 was passed.

SB 1297 ON THIRD READING
(Krusee and Giddings - House Sponsors)

SB 1297, A bill to be entitled An Act relating to financing authority for certain institutions of higher education for facilities.

A record vote was requested.

SB 1297 was passed by (Record 786): 129 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Capelo; Casteel; Castro; Chisum; Christian; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Flores; Flynn; Gallego; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, E.; Jones, J.; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Reyna; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley.

Present, not voting — Mr. Speaker; Keel(C).

Absent, Excused — Chavez; Corte; Giddings; Hope; Riddle.

Absent — Alonzo; Bailey; Canales; Coleman; Cook, B.; Driver; Dunnam; Farrar; Garza; Guillen; Jones, D.; Raymond; Wise; Zedler.

STATEMENTS OF VOTE

When Record No. 786 was taken, I was in the house but away from my desk. I would have voted yes.

B. Cook

When Record No. 786 was taken, my vote failed to register. I would have voted yes.

Guillen

SB 929 ON THIRD READING
(Grusendorf - House Sponsor)

SB 929, A bill to be entitled An Act relating to regional education service centers.

Amendment No. 1

Representatives Chisum and Griggs offered the following amendment to **SB 929**:

On **SB 929** on third reading, amend second reading Amendment No. 1 as follows:

Insert the following at the end of Sec. 8009, as added by Amendment No. 1, by Dutton:

To assist the commission in its review, the comptroller of public accounts shall conduct a review of the regional education centers, and report the results of the review to the commission before March 1, 2004. The comptroller of public accounts shall consult with the commission regarding the scope of the review. The report shall also be transmitted to the presiding officers of the standing committee in the senate and house of representatives responsible for public education.

Amendment No. 1 was adopted without objection.

SB 929, as amended, was passed. (Phillips recorded voting no)

SB 186 ON THIRD READING
(Dutton - House Sponsor)

SB 186, A bill to be entitled An Act relating to the computation of public school dropout and completion rates.

SB 186 was passed.

SB 1701 ON THIRD READING
(Pitts - House Sponsor)

SB 1701, A bill to be entitled An Act relating to the Department of Information Resources' management of certain electronic and telecommunications projects.

Amendment No. 1

Representative Madden offered the following amendment to **SB 1701**:

Amend **SB 1701** on third reading by adding the following new section and renumbering the subsequent sections accordingly:

SECTION _____. Subchapter A, Chapter 441, Government Code, is amended by adding Section 441.010 to read as follows:

Sec. 441.010. ELECTRONICALLY SEARCHABLE CENTRAL GRANT DATABASE. (a) In this section:

(1) "Department" means the Department of Information Resources.

(2) "Grant means a grant, contract, or other cooperative agreement under which a state agency awards financial assistance in the form of money, property, a loan, or another thing of value to a governmental or nongovernmental entity and the governmental or nongovernmental entity receiving the award is responsible for implementing a state or federal program in accordance with guidelines provided by the agency awarding the grant. The term does not include a contract to obtain a professional or consulting service subject to Chapter 2254.

(b) The commission, in cooperation with the department, shall establish an electronically searchable central database accessible through the commission's on-line access system that will allow a person to:

(1) use keyword searches to discover all available state agency grant opportunities;

(2) obtain basic information regarding each available state agency grant opportunity, including basic information about the program that the grant recipient will implement, the geographic area in which the grant recipient will implement the program, the eligibility requirements for obtaining the grant, and the grant application process; and

(3) electronically link to the portion of the granting agency's website at which the person may obtain more detailed information about each available state agency grant opportunity.

(c) The department shall provide a link on TexasOnline to the database established under Subsection (b). In this subsection, "TexasOnline" has the meaning assigned by Section 2054.003.

(d) Each state agency that will award a grant shall, concurrently with any other action the agency takes to inform the public or any person about the grant opportunity, report to the commission information related to the grant that the commission requires in a form prescribed by the commission so that the commission may include information about the grant in the electronically searchable central database established under Subsection (b).

(e) The governor shall appoint an advisory committee composed of nine representatives from the Electronic Grants Technical Assistance Workgroup to:

(1) gather input from public and other users of the database; and

(2) advise the commission regarding the development of the database and regarding the commission's exercise of its powers under Subsection (d).

(f) The advisory committee appointed under Subsection (e) shall meet in Austin. A state agency that is represented on the committee by a person who is not based in the Austin area is responsible for any travel expenses incurred by its representative.

(g) The commission shall appoint an advisory committee composed of five public members to annually evaluate the operation of the electronically searchable central database.

(h) Chapter 2110 does not apply to an advisory committee formed under this section.

Amendment No. 1 was adopted without objection.

SB 1701, as amended, was passed.

SB 346 ON THIRD READING
(Grusendorf - House Sponsor)

SB 346, A bill to be entitled An Act relating to an optional flexible year program for public school students who fail to perform satisfactorily on an assessment instrument or who would not otherwise be promoted.

A record vote was requested.

SB 346 was passed by (Record 787): 134 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Capelo; Castro; Chisum; Christian; Coleman; Cook, R.; Crabb; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, E.; Jones, J.; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Keel(C).

Absent, Excused — Chavez; Corte; Giddings; Hope; Riddle.

Absent — Canales; Casteel; Cook, B.; Crownover; Dunnam; Jones, D.; Villarreal; West; Wise.

STATEMENTS OF VOTE

When Record No. 787 was taken, my vote failed to register. I would have voted yes.

Casteel

When Record No. 787 was taken, I was in the house but away from my desk. I would have voted yes.

B. Cook

When Record No. 787 was taken, I was in the house but away from my desk. I would have voted yes.

D. Jones

SB 396 ON THIRD READING
(Grusendorf - House Sponsor)

SB 396, A bill to be entitled An Act relating to a technology immersion pilot project in public schools.

A record vote was requested.

SB 396 was passed by (Record 788): 128 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, F.; Burnam; Callegari; Campbell; Capelo; Casteel; Castro; Chisum; Christian; Coleman; Cook, R.; Crabb; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, E.; Jones, J.; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pitts; Puente; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Keel(C).

Absent, Excused — Chavez; Corte; Giddings; Hope; Riddle.

Absent — Brown, B.; Canales; Cook, B.; Crownover; Guillen; Jones, D.; Oliveira; Pickett; Quintanilla; Raymond; Reyna; Rodriguez; Talton; Wise; Wolens.

STATEMENTS OF VOTE

When Record No. 788 was taken, I was in the house but away from my desk. I would have voted yes.

B. Cook

When Record No. 788 was taken, my vote failed to register. I would have voted yes.

Guillen

When Record No. 788 was taken, I was in the house but away from my desk. I would have voted yes.

D. Jones

SB 1652 ON THIRD READING
(Morrison - House Sponsor)

SB 1652, A bill to be entitled An Act relating to institutions of higher education, including the administration, operation, governance, and financing of those institutions.

Amendment No. 1

Representative Hunter offered the following amendment to **SB 1652**:

Amen **SB 1652** on third reading by adding the following appropriately numbered SECTIONS to ARTICLE 1 of the bill and renumber the other SECTIONS accordingly:

SECTION 1._____. Subchapter D, Chapter 54, Education Code, is amended by adding Section 54.2111 to read as follows:

Sec. 54.2111. EXEMPTIONS FOR ADOPTED STUDENTS FORMERLY IN FOSTER OR OTHER RESIDENTIAL CARE. A student is exempt from the payment of tuition and fees authorized by this chapter if the student was:

(1) adopted; and

(2) the subject of an adoption assistance agreement under Subchapter D, Chapter 162, Family Code.

SECTION 1._____. Section 54.2111, Education Code, as added by this Act, applies beginning with tuition and fees charged for the 2003 fall semester. Tuition and fees charged for a semester or session before the 2003 fall semester are governed by the applicable law in effect before the effective date of this Act, and that law is continued in effect for that purpose.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Lewis offered the following amendment to **SB 1652**:

Amend **SB 1652** on third reading by adding the following appropriately numbered article to the bill:

ARTICLE _____. INTERCOLLEGIATE ATHLETICS FEE AT PRAIRIE VIEW
A&M UNIVERSITY

SECTION _____.01. Subchapter E, Chapter 54, Education Code, is amended by adding Section 54.5393 to read as follows:

Sec. 54.5393. INTERCOLLEGIATE ATHLETICS FEE: PRAIRIE VIEW A&M UNIVERSITY. (a) The board of regents of The Texas A&M University System may impose an intercollegiate athletics fee on each student enrolled at Prairie View A&M University in an amount not to exceed \$10 per semester credit hour.

(b) The amount of the fee imposed on a student in a semester or session may not exceed the amount of the fee imposed on a student enrolled in 15 semester credit hours during the same semester or session.

(c) The fee may not be imposed unless approved by a majority vote of the students of the university participating in a general student election held for that purpose.

(d) A fee imposed under this section shall be used to develop and maintain an intercollegiate athletics program at the university.

(f) A fee imposed under this section is in addition to any other fee authorized by law and may not be considered in determining the maximum amount of student services fees that may be imposed under Section 54.503.

(g) This section expires September 1, 2013.

SECTION _____.02. This article applies beginning with the 2003 fall semester.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Allen offered the following amendment to **SB 1652**:

Amend **SB 1652**, on third reading, by adding the following appropriately numbered ARTICLE to the bill and renumbering existing ARTICLES of the bill accordingly:

ARTICLE _____. UNIVERSITY OF NORTH TEXAS AT DALLAS

SECTION _____.01. Section 105.451(d), Education Code, is amended to read as follows:

(d) Notwithstanding any other provision of this subchapter, the University of North Texas at Dallas may operate as a general academic teaching institution with its own chief executive officer, administration, and faculty only after the Texas Higher Education Coordinating Board certifies that enrollment at the University of North Texas System Center at Dallas has reached an enrollment equivalent to 935 [2,500] full-time students for one semester. Until that enrollment level is reached, the board may operate a system center of the University of North Texas in the city of Dallas.

Amendment No. 3 was adopted without objection.

A record vote was requested.

SB 1652, as amended, was passed by (Record 789): 137 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Capelo; Casteel; Castro; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Pickett; Pitts; Puente; Quintanilla; Reyna; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis;

Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Keel(C).

Absent, Excused — Chavez; Corte; Giddings; Hope; Riddle.

Absent — Canales; Dunnam; Menendez; Phillips; Raymond; Wise.

STATEMENT OF VOTE

When Record No. 789 was taken, I was in the house but away from my desk. I would have voted yes.

Menendez

SB 474 ON THIRD READING

(Capelo and Naishtat - House Sponsors)

SB 474, A bill to be entitled An Act relating to an interim study on nutrition and health in public schools.

SB 474 was passed.

SB 578 ON THIRD READING

(Branch and Grusendorf - House Sponsors)

SB 578, A bill to be entitled An Act relating to awards granted under the Texas Advanced Placement Incentive Program.

A record vote was requested.

SB 578 was passed by (Record 790): 133 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Capelo; Casteel; Castro; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Goodman; Goolsby; Griggs; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Reyna; Ritter; Rodriguez; Rose; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Keel(C).

Absent, Excused — Chavez; Corte; Giddings; Hope; Riddle.

Absent — Canales; Davis, J.; Grusendorf; Lewis; Menendez; Raymond; Seaman; Smith, T.; West; Wise.

STATEMENTS OF VOTE

When Record No. 790 was taken, I was in the house but away from my desk. I would have voted yes.

Menendez

When Record No. 790 was taken, I was in the house but away from my desk. I would have voted yes.

T. Smith

SB 755 ON THIRD READING (Chisum - House Sponsor)

SB 755, A bill to be entitled An Act relating to a disclosure of a financial interest or employment by a committee member or the executive director of the Office of Rural Community Affairs.

A record vote was requested.

SB 755 was passed by (Record 791): 138 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Capelo; Casteel; Castro; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Keel(C).

Absent, Excused — Chavez; Corte; Giddings; Hope; Riddle.

Absent — Bailey; Canales; Jones, J.; Laubenberg; Wise.

SB 820 ON THIRD READING
(Solomons - House Sponsor)

SB 820, A bill to be entitled An Act relating to the certification of maximum medical improvement and assignment of an impairment rating for an employee receiving workers' compensation benefits.

A record vote was requested.

SB 820 was passed by (Record 792): 138 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Capelo; Casteel; Castro; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Keel(C).

Absent, Excused — Chavez; Corte; Giddings; Hope; Riddle.

Absent — Bailey; Canales; Jones, J.; Kuempel; McReynolds.

SB 1942 ON THIRD READING
(Luna and Rose - House Sponsors)

SB 1942, A bill to be entitled An Act relating to the name of Southwest Texas State University.

SB 1942 was passed. (Kolkhorst recorded voting no)

SB 800 ON THIRD READING
(Corte, Uresti, Delisi, Mercer, Hupp, et al. - House Sponsors)

SB 800, A bill to be entitled An Act relating to the establishment of Texas A&M University-San Antonio and Texas A&M University-Central Texas.

A record vote was requested.

SB 800 was passed by (Record 793): 138 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Keel(C).

Absent, Excused — Chavez; Corte; Giddings; Hope; Riddle.

Absent — Bonnen; Branch; Lewis; Solomons; Wise.

SB 893 ON THIRD READING
(Grusendorf - House Sponsor)

SB 893, A bill to be entitled An Act relating to certain procedures in a teacher suspension or contract termination hearing.

A record vote was requested.

SB 893 was passed by (Record 794): 137 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Canales; Capelo; Casteel; Castro; Chisum; Christian; Coleman; Cook, B.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Ritter; Rodriguez; Rose; Seaman; Smith, T.;

Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Keel(C).

Absent, Excused — Chavez; Corte; Giddings; Hope; Riddle.

Absent — Campbell; Cook, R.; Dukes; Dunnam; West; Wise.

SB 977 ON THIRD READING
(Hope - House Sponsor)

SB 977, A bill to be entitled An Act relating to custody of the assets of certain public retirement systems.

A record vote was requested.

SB 977 was passed by (Record 795): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Keel(C).

Absent, Excused — Chavez; Corte; Giddings; Hope; Riddle.

Absent — Dunnam; Jones, J.; Wise.

SB 1152 ON THIRD READING
(Solomons - House Sponsor)

SB 1152, A bill to be entitled An Act relating to the use of TexasOnline.

A record vote was requested.

SB 1152 was passed by (Record 796): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Keel(C).

Absent, Excused — Chavez; Corte; Giddings; Hope; Riddle.

Absent — Dunnam.

SB 1173 ON THIRD READING (Delisi - House Sponsor)

SB 1173, A bill to be entitled An Act relating to prescription drug benefits under the group health benefit programs for certain governmental employees and retired employees.

A record vote was requested.

SB 1173 was passed by (Record 797): 138 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis;

Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Keel(C).

Absent, Excused — Chavez; Corte; Giddings; Hope; Riddle.

Absent — Burnam; Dunnam; Edwards; Merritt; Reyna.

SB 600 ON THIRD READING
(Talton - House Sponsor)

SB 600, A bill to be entitled An Act relating to the reimbursement of compensation and expenses of certain appointed counsel filing an application for a writ of habeas corpus in a capital case.

Amendment No. 1

Representatives Hodge and B. Cook offered the following amendment to **SB 600**:

Amend **SB 600**, on third reading in PART __, in ARTICLE __, by adding an appropriately numbered SECTION to read as follows:

SECTION __. (a) Section 403.074, Government Code, is amended by amending Subsection (d) and adding Subsection (h) to read as follows:

(d) Except as provided by Subsections [~~Subsection~~] (g) and (h), the comptroller may not pay under this section a single claim in excess of \$25,000, or an aggregate of claims by a single claimant during a biennium in excess of \$25,000. For the purposes of this subsection, all claims that were originally held by one person are considered held by a single claimant regardless of whether those claims were later transferred.

(h) The comptroller may pay under this section a single claim in an amount not to exceed \$50,000 or an aggregate of claims by a single claimant during a biennium in a total amount not to exceed \$50,000 to cover the fees awarded to an attorney appointed by a court under Section 26.051(g), Code of Criminal Procedure, to represent an indigent inmate in a capital case.

(b) The change in law made by this section to Section 403.074, Government Code, applies only to an award of attorney's fees on or after the effective date of this section. An award of attorney's fees made before the effective date of this section is covered by the law in effect on the date the award was made, and the former law is continued in effect for that purpose.

Amendment No. 1 was adopted without objection.

SB 600, as amended, was passed.

SB 1054 ON THIRD READING
(Peña - House Sponsor)

SB 1054, A bill to be entitled An Act relating to presentence investigation and postsentence treatment and supervision of certain sex offenders.

SB 1054 was passed.

SB 1303 ON THIRD READING
(Chisum and Farabee - House Sponsors)

SB 1303, A bill to be entitled An Act relating to certain employment matters affecting a county auditor, assistant auditor, or court reporter.

Amendment No. 1

Representative Guillen offered the following amendment to **SB 1303**:

Amend **SB 1303** on third reading by adding the following appropriately numbered SECTION and renumbering the sections of the bill accordingly:

SECTION _____. Subsection (a), Section 152.071, Local Government Code, is amended to read as follows:

(a)(1) In a county with a population of more than 75,000, the county government shall classify all positions in its sheriff's department and shall specify the duties and prescribe the salary for each classification.

(2) A county government in a county that has a population of more than 7,500, is located on an international boundary, and contains no incorporated territory of a municipality may classify all positions in its sheriff's department and shall specify the duties and prescribe the salary for each classification.

SECTION _____. Subsection (a), Section 152.072, Local Government Code, is amended to read as follows:

(a)(1) The qualified voters of a county with a population of more than 25,000 may petition the commissioners court of the county to increase the minimum salary of each member of the sheriff's department.

(2) A county government in a county that has a population of more than 7,500, is located on an international boundary, and contains no incorporated territory of a municipality may petition the commissioners court of the county to increase the minimum salary of each member of the sheriff's department.

SECTION 3. Subsection (a), Section 152.074, Local Government Code, is amended to read as follows:

(a)(1) In a county with a population of 150,000 or more, the commissioners court of a county shall provide longevity pay for each commissioned deputy of the sheriff's department of not less than \$5 a month for each year of service in the department, up to and including 25 years. Each commissioned deputy is entitled to the longevity pay in addition to the deputy's regular compensation.

(2) A county government in a county that has a population of more than 7,500, is located on an international boundary, and contains no incorporated territory of a municipality may provide longevity pay for each commissioned deputy of the sheriff's department of not less than \$5 a month for each year of service in the department, up to and including 25 years. Each commissioned deputy is entitled to the longevity pay in addition the deputy's regular compensation.

Amendment No. 1 was adopted without objection.

A record vote was requested.

SB 1303, as amended, was passed by (Record 798): 138 Yeas, 1 Nay, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flynn; Gallego; Garza; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Nays — Reyna.

Present, not voting — Mr. Speaker; Keel(C).

Absent, Excused — Chavez; Corte; Giddings; Hope; Riddle.

Absent — Dunnam; Edwards; Escobar; Flores.

(Allen in the chair)

SB 1366 ON THIRD READING
(Eissler and Swinford - House Sponsors)

SB 1366, A bill to be entitled An Act relating to eligibility under the Early High School Graduation Scholarship program.

SB 1366 was passed.

SB 1442 ON THIRD READING
(Keel - House Sponsor)

SB 1442, A bill to be entitled An Act relating to participation in, contributions to, and benefits and administration of retirement systems for police officers in certain municipalities.

SB 1442 was passed.

SB 1477 ON THIRD READING
(Talton and Hodge - House Sponsors)

SB 1477, A bill to be entitled An Act relating to restrictions on the disclosure of certain criminal records and to the duty of law enforcement agencies regarding records associated with certain defendants receiving deferred adjudication; providing a civil penalty.

Amendment No. 1

Representative Talton offered the following amendment to **SB 1477**:

Amend **SB 1477** (house committee report) on third reading, in SECTION 4 of the bill, in added Subsection (d), Section 411.081, Government Code, between "deferred adjudication." and "A person" (page 4, line 3), by inserting "A criminal justice agency may disclose criminal history record information that is the subject of the order to an individual or agency described by Section 411.083(b)(1), (2), or (3)."

Amendment No. 1 was adopted without objection.

SB 1477, as amended, was passed.

STATEMENT OF LEGISLATIVE INTENT

A petition filed pursuant to the terms of this act should be filed as an ex parte petition on the civil docket of the court that originally granted the deferred adjudication. In addition to the \$28.00 fee specified in the bill, the clerk should also assess the same fees that would otherwise apply to the filing of a civil petition.

Terry Keel, Chair

House Committee on Criminal Jurisprudence

SB 1597 ON THIRD READING

(Thompson and Dutton - House Sponsors)

SB 1597, A bill to be entitled An Act relating to policies by law enforcement agencies regarding the arrest of persons for certain offenses.

SB 1597 was passed.

SB 4 ON THIRD READING

(Morrison - House Sponsor)

SB 4, A bill to be entitled An Act relating to the establishment and operation of the Texas B-On-time student loan program; authorizing the issuance of bonds.

Amendment No. 1

Representative Howard offered the following amendment to **SB 4**:

Amend **SB 4** on third reading in SECTION 1 of the bill, in added Paragraph (A), Subdivision (2), Section 56.455, Education Code, by striking "public or accredited private high school" and substituting "public high school or an accredited or unaccredited private high school".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Morrison offered the following amendment to **SB 4**:

Amend **SB 4** on third reading by adding an appropriately numbered section to read as follows:

SECTION _____. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9356 to read as follows:

Sec. 51.9356. PILOT PROGRAM REGARDING THE RETENTION OF STUDENTS IN HIGHER EDUCATION. (a) The Texas Higher Education Coordinating Board shall develop a pilot program called the "Freshman SUCCESS Program" that will focus on retention of high-risk students who are first generation in college, low-income, and/or educationally underprepared by providing proactive intervention modalities to meet the demands of college.

(b) The pilot program shall address the students' academic, emotional, behavioral, and financial needs as well as cultural barriers that may affect their success in college.

(c) In conducting this pilot program study, the board shall:

(1) identify and evaluate the potential benefits and advantages of this type of program;

(2) evaluate and make recommendations concerning any legal, administrative, or practical problems with this type of program; and

(3) indicate the impact on the goals for the Texas Higher Education Coordinating Board's Closing the Gaps strategy.

(d) The board shall complete the pilot program study and report the results of the study to the Legislature on or before December 1, 2004. The report must include the board's recommendations concerning the Freshman SUCCESS Program.

(e) In this section, "board" means the Texas Higher Education Coordinating Board.

(f) This section expires September 1, 2005.

Amendment No. 2 was adopted without objection.

A record vote was requested.

SB 4, as amended, was passed by (Record 799): 137 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flynn; Gallego; Garza; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Naishtat; Nixon; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Allen(C).

Absent, Excused — Chavez; Corte; Giddings; Hope; Riddle.

Absent — Davis, J.; Dunnam; Flores; Mowery; Noriega; Oliveira.

(Oliveira in the chair)

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for the remainder of today because of illness:

Dunnam on motion of Eiland.

Wise on motion of Eiland.

**SB 970 ON THIRD READING
(Puente - House Sponsor)**

SB 970, A bill to be entitled An Act relating to the sale or transport of certain desert plants; providing a penalty.

SB 970 was passed.

**SB 319 ON THIRD READING
(Allen - House Sponsor)**

SB 319, A bill to be entitled An Act relating to the death of or injury to an unborn child; providing penalties.

Amendment No. 1

Representative Farrar offered the following amendment to **SB 319**:

Amend **SB 319** (House Third Reading Engrossment) as follows:

(1) In SECTION 1.01 of the bill, on page 1, line 12, strike "fertilization" and substitute "viability".

(2) In SECTION 1.01 of the bill, on page 1, line 12, insert after the period the following:

"(5) 'Miscarriage' means the interruption of the normal development of a fetus, other than by a live birth, resulting in the expulsion or extraction from a pregnant woman of a product of human consumption.

(6) 'Stillbirth' means the death of a fetus before the complete expulsion or extraction from the pregnant woman, regardless of the duration of the pregnancy, as manifested by the fact that after expulsion or extraction the fetus does not breathe spontaneously or show any other evidence of life such as heartbeat, pulsation of the umbilical cord, or definite movement of voluntary muscles."

(3) In SECTION 1.02 of the bill, on page 2, line 11, insert between the word "care" and the period ", including an abortion performed in accordance with Chapter 170, Health and Safety Code, and other applicable law".

(4) In ARTICLE 1 of the bill, insert the following appropriately-numbered SECTION:

"SECTION 1. _____. Section 71.002, Civil Practice and Remedies Code, is amended by adding Subsection (f) to read as follows:

"(f) A person is liable for damages under this chapter if, as a result of the person's wrongful act or negligent act or omission, another person who is a pregnant woman suffers a bodily injury that results in a miscarriage or stillbirth."

(5) In ARTICLE 1 of the bill, insert the following appropriately-numbered SECTION:

"SECTION 1._____. Section 71.004, Civil Practice and Remedies Code, is amended by adding a new Subsection (d) to read as follows:

"(d) For liability imposed under Subsection (f), Section 71.002, the action may be brought by:

(1) the pregnant woman;

(2) any person who would have become a parent had the pregnancy not resulted in a miscarriage or stillbirth unless the act of such person which resulted in the pregnancy was done without consent of the pregnant woman."

(6) In ARTICLE 1 of the bill, insert the following appropriately-numbered SECTION:

"SECTION 1._____. Section 41.008, Civil Practice and Remedies Code, is amended by adding a new Subsection (f) to read as follows:

(f) Subsection (b) does not apply to a cause of action against a defendant from whom a plaintiff seeks recovery of exemplary damages based on conduct described in Section 71.002(f) of this code."

(7) In SECTION 2.01 of the bill, on page 2, line 24, strike "fertilization" and substitute "viability".

(8) In SECTION 2.02 of the bill, on page 3, line 7, between "procedure" and "performed", insert ", including but not limited to an abortion performed in accordance with Chapter 170, Health and Safety Code or other applicable law,".

(9) In SECTION 2.04 of the bill, on page 3, line 26, between "procedure" and "performed", insert ", including but not limited to an abortion performed in accordance with Chapter 170, Health and Safety Code or other applicable law,".

(10) In ARTICLE 2 of the bill, insert the following appropriately-numbered SECTION:

"SECTION 2._____. Section 22.01, Penal Code, is amended by amending Subsection (a) and adding Subsection (g) to read as follows:

(a) A person commits an offense if the person:

(1) intentionally, knowingly, or recklessly causes bodily injury to another, including the person's spouse;

(2) intentionally or knowingly threatens another with imminent bodily injury, including the person's spouse; ~~or~~

(3) intentionally or knowingly causes physical contact with another when the person knows or should reasonable believe that the other will regard the contact as offensive or provocative; or

(4) intentionally, knowingly, or recklessly causes bodily injury to another, including the person's spouse, who is a pregnant woman.

(g) An offense under Subsection (a)(4) is a felony of the third degree."

(11) In ARTICLE 2 of the bill, insert the following appropriately-numbered SECTION:

"SECTION 2._____. Section 22.02, Penal Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) A person commits an offense if the person commits assault as defined in Section 22.01 and the person:

(1) causes serious bodily injury to another, including the person's spouse; ~~or~~

(2) causes bodily injury to another, including the person's spouse, who is a pregnant woman and causes her to suffer a miscarriage or stillbirth; or

(3) uses or exhibits a deadly weapon during the commission of the assault.

(d) In this section:

(1) "Miscarriage" means the interruption of the normal development of a fetus, other than by a live birth, resulting in the complete expulsion or extraction from a pregnant woman of a product of human conception.

(2) "Stillbirth" means the death of a fetus before the complete expulsion or extraction from its mother, regardless of the duration of the pregnancy, as manifested by the fact that after expulsion or extraction of the fetus does not breathe spontaneously or show any other evidence of life such as heartbeat, pulsation of the umbilical cord, or definite movement of voluntary muscles."

(12) In ARTICLE 2 of the bill, insert the following appropriately-numbered SECTION:

"SECTION 2.____. Section 49.07, Penal Code, is amended to read as follows:

"Sec. 49.07. INTOXICATION ASSAULT. (a) A person commits an offense if the person, by accident or mistake:

(1) while operating an aircraft, watercraft, or amusement ride while intoxicated, or while operating a motor vehicle in a public place while intoxicated, by reason of that intoxication causes:

(A) serious bodily injury to another; or

(B) bodily injury to another who is a pregnant woman and causes her to suffer a miscarriage or stillbirth; or

(2) as a result of assembling a mobile amusement ride while intoxicated causes:

(A) serious bodily injury to another; or

(B) bodily injury to another who is a pregnant woman and causes her to suffer a miscarriage or stillbirth.

(b) In this section:

(1) "Miscarriage" has the meaning assigned by Section 22.02.

(2) "Serious ~~;~~ "serious" bodily injury" means injury that creates a substantial risk of death or that causes serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

(3) "Stillbirth" has the meaning assigned by Section 22.02.

SB 319 - STATEMENT OF LEGISLATIVE INTENT

Amendment No. 1

REPRESENTATIVE FARRAR: There are ways to address the concerns about injuries to pregnant women that would not jeopardize reproductive freedom for women. Mr. Allen could have simply enhanced penalties for injuries to pregnant women in which the fetus was either killed or injured, because we all recognize this as an unbearable loss and grieve for any woman whose pregnancy is harmed by the actions of someone else.

Texas Right to Life, Texas Alliance for Life, Eagle Forum, Christian Coalition, and other groups who are known to be anti-choice organizations set this bill as their top priority. The Republican Party, in its 2002 State Republican Party Platform, states that, "...the unborn child has a fundamental individual right to life which cannot be infringed." If this bill isn't about abortion, then why is this so important to them? Why isn't this bill a law and order bill that is endorsed by law enforcement groups? The truth is, the goal is to have statutes in place that are building blocks or foundations for future legislation, litigation, and the possible overturning of *Roe v. Wade* by the U.S. Supreme Court. If this suggestion of personhood is established, the appellant's case, of course, collapses, for the fetus' right to life is then guaranteed specifically by the 14th Amendment. This is part of an organized nationwide effort to lay these foundations in other states. No one will be able to secure an abortion for whatever reason.

Mr. Allen says this bill has nothing to do with abortion. But, if *Roe v. Wade* falls, and this bill is law, any and all abortions in Texas would be illegal, whether or not a woman's life was threatened, she was a victim of rape or incest, or had a fetal anomaly which could mean the fetus had no possibility of living.

No one seems to say that that's what this is about. Mr. Allen says this is not an abortion bill. Mr. Allen and supporters of **SB 319** will say that there are exclusions for abortion and other legal medical procedures, but if *Roe v. Wade* falls, these exceptions fall with it, leaving us with this on the books. And if it wasn't about that, they would be willing to budge on the definition of the individual. This bill is about legislating when life begins and when personhood begins. This is a religious position. We would essentially be adopting one religious position as the law for the rest of the state. With this bill, we are defining when life begins. Yet currently, the law says one has to be born to receive rights. One has to be born to receive inheritance, to be counted in the Census, or to receive citizenship.

Mr. Allen made reference to the tragedy of the Laci Peterson case. Our hearts go out to her family and loved ones who understandably are grieving their loss. That case, though, is about violence against women. And, I would remind Mr. Allen and the members that California's statute is post viability, that the fetus is capable of living outside the womb, and that is why Laci Peterson's accused killer could be charged with double homicide. Her fetus was viable. It was not a fertilized egg. A fertilized egg has no guarantee of being born. We would've been happy to have reached an agreement with Mr. Allen to have laws similar to California's, but Mr. Allen is intent on defining life at fertilization despite the fact that his bill does nothing to improve the safety of women. In fact, there are not even any increases in penalties. California isn't the only state that uses the statutory language of viability. Other states include Massachusetts, New York, North Carolina, Ohio, Pennsylvania, and South Carolina.

This bill doesn't have to be and shouldn't be an abortion bill. I filed a similar bill, **HB 1589**, this session that would get us to where Mr. Allen wants to go without making this about abortion. It never received hearing so I'm offering it now as an amendment since everyone wasn't here late Monday night on second

reading, and I think you should at least be offered this option. And, some of us made promises while campaigning that, although we are personally pro-life, we wouldn't stand in the way of *Roe v. Wade*.

It says that if a pregnant woman is injured and is caused to have a miscarriage or stillbirth, she can bring action against her assailant. It focuses on the woman and does not define life. It provides for remedies if her pregnancy was caused by another person. It also enhances criminal penalties where Mr. Allen's bill does not. Here's a comparison: in my amendment, an assault would be a third degree felony. In Mr. Allen's bill, an assault remains a Class A misdemeanor. In my amendment, an aggravated assault is a second degree felony. In Mr. Allen's bill, it remains a Class A misdemeanor. And civilly, Mr. Allen's bill has no civil damages. My amendment has compensatory and exemplary damages. So, that's why I bring this to you again, Mr. Speaker and members, so you'll have the opportunity to vote on this, and I ask for strict enforcement that members vote only themselves.

A record vote was requested.

Amendment No. 1 failed of adoption by (Record 800): 25 Yeas, 87 Nays, 4 Present, not voting.

Yeas — Burnam; Capelo; Castro; Coleman; Davis, Y.; Dukes; Dutton; Edwards; Eiland; Farrar; Guillen; Hochberg; Hodge; Martinez Fischer; Menendez; Moreno, J.; Naishtat; Noriega; Raymond; Rodriguez; Solis; Thompson; Uresti; Villarreal; Wilson.

Nays — Allen; Baxter; Berman; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Crabb; Crownover; Dawson; Delisi; Denny; Deshotel; Eissler; Elkins; Ellis; Flynn; Gallego; Gattis; Geren; Goodman; Goolsby; Grusendorf; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Homer; Hopson; Howard; Hughes; Hunter; Jones, D.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Kuempel; Laney; Lewis; Madden; Marchant; McCall; McClendon; McReynolds; Mercer; Merritt; Miller; Morrison; Nixon; Olivo; Paxton; Phillips; Pickett; Pitts; Puente; Reyna; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wohlgemuth; Woolley; Zedler.

Present, not voting — Mr. Speaker; Jones, J.; Mabry; Oliveira(C).

Absent, Excused — Chavez; Corte; Dunnam; Giddings; Hope; Riddle; Wise.

Absent — Alonzo; Bailey; Bohac; Campbell; Canales; Davis, J.; Driver; Escobar; Farabee; Flores; Garza; Griggs; Hupp; Isett; Jones, E.; Krusee; Laubenberg; Luna; Moreno, P.; Mowery; Peña; Quintanilla; Rose; Telford; Turner; Wolens; Wong.

STATEMENTS OF VOTE

When Record No. 800 was taken, I was visiting with a constituent. I would have voted no.

Bohac

When Record No. 800 was taken, my vote failed to register. I would have voted no.

Laubenberg

When Record No. 800 was taken, I was in the house but away from my desk. I would have voted no.

Rose

When Record No. 800 was taken, I was in the house but away from my desk. I would have voted present, not voting.

Wong

A record vote was requested.

SB 319 was passed by (Record 801): 112 Yeas, 15 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Castro; Chisum; Christian; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Flynn; Gallego; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Kuempel; Laney; Laubenberg; Lewis; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, P.; Morrison; Nixon; Olivo; Paxton; Phillips; Pickett; Pitts; Puente; Raymond; Reyna; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Turner; Uresti; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Burnam; Capelo; Coleman; Davis, Y.; Dukes; Dutton; Farrar; Hodge; Moreno, J.; Naishtat; Noriega; Rodriguez; Rose; Thompson; Villarreal.

Present, not voting — Mr. Speaker; Oliveira(C).

Absent, Excused — Chavez; Corte; Dunnam; Giddings; Hope; Riddle; Wise.

Absent — Alonzo; Bailey; Canales; Driver; Flores; Garza; Krusee; Luna; Mowery; Peña; Quintanilla; Telford; Wilson; Wolens.

STATEMENT OF VOTE

I was shown voting no on Record No. 801. I intended to vote yes.

Rose

SB 1828 ON THIRD READING
(Swinford - House Sponsor)

SB 1828, A bill to be entitled An Act relating to the composition and duties of the State Soil and Water Conservation Board.

SB 1828 was passed.

SB 671 ON THIRD READING
(Wohlgemuth - House Sponsor)

SB 671, A bill to be entitled An Act relating to the determination of school district property values and the accountability of appraisal district operations.

Amendment No. 1

Representative T. Smith offered the following amendment to **SB 671**:

Amend **SB 671** on third reading as follows:

(1) In SECTION 1 of the bill, in proposed Paragraph (A), Subdivision (2), Section 51.02, Tax Code, between "study" and the comma, strike "conducted for the year 2003 or a subsequent year".

(2) In SECTION 1 of the bill, in proposed Paragraph (B), Subdivision (2), Section 51.02, Tax Code, between "study" and the comma, strike "conducted for the year 2003 or a subsequent year".

(3) In SECTION 1 of the bill, in proposed Paragraph (C), Subdivision (2), Section 51.02, Tax Code, between "study" and the comma, strike "conducted for the year 2003 or a subsequent year".

(4) In SECTION 1 of the bill, in proposed Subsection (g), Section 51.21, Tax Code, strike "Except as provided by Subsection (1), if" and substitute "If".

(5) In SECTION 1 of the bill, in proposed Section 51.21, Tax Code, strike Subsection (h) as added by Amendment No. 5 by Smith and reletter the subsequent subsections and cross-references to those subsections accordingly.

(6) In SECTION 1 of the bill, in proposed Subsection 51.21, Tax Code, strike Subsection (1) as added by Amendment No. 8 by Smith.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representatives Hochberg and Oliveira offered the following amendment to **SB 671**:

Amend **SB 671** on third reading as follows:

(1) Strike Floor Amendment No. 6 on second reading.

(2) In SECTION 112 of the bill as added by Floor Amendment No. 1 on second reading, in Subsection (b) of the section, strike the second sentence of the subsection and substitute the following:

The transfer shall occur on September 1, 2004. Until the transfer occurs, the functions of the State Board on Property Valuation or the commissioner of that board under this Act shall be performed by the comptroller.

(3) In SECTION 112 of the bill as added by Floor Amendment No. 1 on second reading, in Subsection (d) of the section, between "All appropriations made" and "to the comptroller", insert "for the state fiscal year beginning September 1, 2004,".

(4) In SECTION 112 of the bill as added by Floor Amendment No. 1 on second reading, in Subsection (d) of the section, strike "Until the end of the state fiscal biennium that begins September 1, 2003" and substitute "Until the end of the state fiscal year that begins September 1, 2004".

(5) In SECTION 112 of the bill as added by Floor Amendment No. 1 on second reading, in Subsection (e) of the section, strike "the effective date of this Act" and substitute "September 1, 2004".

(6) In SECTION 112 of the bill as added by Floor Amendment No. 1 on second reading, in Subsection (f) of the section, strike "is a party on the effective date of this Act" and substitute "is a party on September 1, 2004,".

(7) In SECTION 112 of the bill as added by Floor Amendment No. 1 on second reading, in Subsection (f) of the section, strike "comptroller on the effective date of this Act" and substitute "comptroller on September 1, 2004".

Amendment No. 2 was adopted without objection.

A record vote was requested.

SB 671, as amended, was passed by (Record 802): 135 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Capelo; Casteel; Castro; Chisum; Christian; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flynn; Gallego; Garza; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Raymond; Reyna; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Allen; Oliveira(C).

Absent, Excused — Chavez; Corte; Dunnam; Giddings; Hope; Riddle; Wise.

Absent — Canales; Coleman; Driver; Flores; Quintanilla.

REMARKS ORDERED PRINTED

Representative Villarreal moved to print remarks by Representative Farrar on **SB 319**.

The motion prevailed without objection.

SB 1357 ON THIRD READING**(Capelo and Naishtat - House Sponsors)**

SB 1357, A bill to be entitled An Act relating to local school health advisory councils, health education instruction, and coordinated health programs for elementary school students.

SB 1357 was passed. (Chisum, Madden, Marchant, and Solomons recorded voting no)

SB 1336 ON THIRD READING**(Talton - House Sponsor)**

SB 1336, A bill to be entitled An Act relating to the liability of a criminal defendant and the defendant's sureties on a personal bond or bail bond and to certain procedures in connection with bond forfeiture.

A record vote was requested.

SB 1336 was passed by (Record 803): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Castro; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Oliveira(C).

Absent, Excused — Chavez; Corte; Dunnam; Giddings; Hope; Riddle; Wise.

Absent — Casteel; Ellis.

STATEMENT OF VOTE

When Record No. 803 was taken, my vote failed to register. I would have voted yes.

Casteel

**SB 1678 ON THIRD READING
(Allen - House Sponsor)**

SB 1678, A bill to be entitled An Act relating to the organization and duties of the Board of Pardons and Paroles.

SB 1678 was passed. (Edwards recorded voting no)

**SB 1131 ON THIRD READING
(Capelo, Truitt, Zedler, and McReynolds - House Sponsors)**

SB 1131, A bill to be entitled An Act relating to funding of certain emergency medical services, trauma facilities, and trauma care systems.

SB 1131 was passed.

**GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**SB 1835 ON THIRD READING
(Eissler - House Sponsor)**

SB 1835, A bill to be entitled An Act relating to testing for communicable diseases certain people who are arrested.

SB 1835 was passed.

**SB 297 ON THIRD READING
(Hamric - House Sponsor)**

SB 297, A bill to be entitled An Act relating to a firefighters' relief and retirement fund in certain municipalities.

SB 297 was passed.

**SB 1108 ON THIRD READING
(Grusendorf - House Sponsor)**

SB 1108, A bill to be entitled An Act relating to academic achievement in public schools.

Amendment No. 1

Representatives Geren and Casteel offered the following amendment to **SB 1108**:

Amend **SB 1108**, on third reading, by adding the following appropriately numbered sections and renumbering subsequent sections of the bill accordingly:

SECTION _____. Subchapter B, Chapter 21, Education Code, is amended by adding Section 21.0484 to read as follows:

Sec. 21.0484. MASTER SCIENCE TEACHER CERTIFICATION. (a) To ensure that there are teachers with special training to work with other teachers and with students in order to improve student science performance, the board shall establish:

(1) a master science teacher certificate to teach science at elementary school grade levels;

(2) a master science teacher certificate to teach science at middle school grade levels; and

(3) a master science teacher certificate to teach science at high school grade levels.

(b) The board shall issue the appropriate master science teacher certificate to each eligible person.

(c) To be eligible for a master science teacher certificate, a person must:

(1) hold a teaching certificate issued under this subchapter;

(2) have at least three years of teaching experience;

(3) satisfactorily complete a knowledge-based course of instruction on the science of teaching children science that includes training in science instruction and professional peer mentoring techniques that, through scientific testing, have been proven effective;

(4) perform satisfactorily on the appropriate master science teacher certification examination prescribed by the board; and

(5) satisfy any other requirements prescribed by the board.

(d) The course of instruction prescribed under Subsection (c)(3) shall be developed by the board in consultation with science faculty members at institutions of higher education.

SECTION ____ . Subchapter I, Chapter 21, Education Code, is amended by adding Section 21.413 to read as follows:

Sec. 21.413. MASTER SCIENCE TEACHER GRANT PROGRAM. (a) The commissioner shall establish a master science teacher grant program to encourage teachers to:

(1) become certified as master science teachers; and

(2) work with other teachers and with students in order to improve student science performance.

(b) From funds appropriated for the purpose, the commissioner shall make grants to school districts as provided by this section to pay stipends to selected certified master science teachers who teach at high-need campuses.

(c) The commissioner shall annually identify each high-need campus in a school district using criteria established by the commissioner by rule, including performance on the science assessment instrument administered under Section 39.023. The commissioner shall also use the criteria to rank campuses in order of greatest need.

(d) A school district may apply to the commissioner for grants for each high-need campus identified by the commissioner to be used to pay stipends to certified master science teachers in accordance with this section. Unless reduced under Subsection (g) or (i), each grant is in the amount of \$5,000. The commissioner shall approve the application if the district:

(1) applies within the period and in the manner required by rule adopted by the commissioner; and

(2) agrees to use each grant only for the purpose of paying a year-end stipend to a master science teacher:

(A) who holds the appropriate certificate issued under Section 21.0484;

(B) who teaches in a position prescribed by the district at a high-need campus identified by the commissioner;

(C) whose primary duties include:

(i) teaching science; and

(ii) serving as a science teaching mentor to other teachers for the amount of time and in the manner established by the district and by rule adopted by the commissioner; and

(D) who satisfies any other requirements established by rule adopted by the commissioner.

(e) Unless reduced under Subsection (g) or (i), a stipend under Subsection (d)(2) is in the amount of \$5,000.

(f) The commissioner shall adopt rules for the distribution of grants to school districts following the year of the initial grant. A district that has been approved for a grant to pay a stipend to a certified master science teacher is not required to reapply for a grant for two consecutive school years following the year of the initial grant if the district:

(1) continues to pay a stipend as provided by Subsection (g); and

(2) notifies the commissioner in writing, within the period and in the manner prescribed by the commissioner, that the circumstances on which the grant was based have not changed.

(g) The commissioner shall reduce payments to a school district proportionately to the extent a teacher does not meet the requirements under Subsection (d)(2) for the entire school year. A district that employs more certified master science teachers than the number of grants available under this section shall select the certified master science teachers to whom to pay stipends based on a policy adopted by the board of trustees of the district, except that a district shall pay a stipend for two additional consecutive school years to a teacher the district has selected for and paid a stipend for a school year, who remains eligible for a stipend under Subsection (d)(2), and for whom the district receives a grant under this section for those years. A decision of the district under this subsection is final and may not be appealed. The district may not apportion among teachers a stipend paid for with a grant the district receives under this section. The district may use local money to pay additional stipends in amounts determined by the district.

(h) A grant a school district receives under this section is in addition to any funding the district receives under Chapter 42. The commissioner shall distribute funds under this section with the Foundation School Program payment to which the district is entitled as soon as practicable after the end of the school year as determined by the commissioner. A district to which Chapter 41 applies is

entitled to the grants paid under this section. The commissioner shall determine the timing of the distribution of grants to a district that does not receive Foundation School Program payments.

(i) This section does not create a property right to a grant or stipend. A school district is entitled to a grant to carry out the purposes of this section only to the extent the commissioner makes the grant in accordance with this section and only to the extent sufficient state funds are appropriated for those purposes. If state funds are appropriated but are insufficient to fully fund a grant, the commissioner shall reduce the grant paid to each district and the district shall reduce the stipend the district pays to each teacher under this section proportionately so that each selected teacher receives the same amount of money.

(j) A decision of the commissioner concerning the amount of money to which a school district is entitled under this section is final and may not be appealed. Each district shall, in the manner and at the time prescribed by the commissioner, provide to the commissioner proof acceptable to the commissioner of the master science teacher certification of a teacher to whom the district is paying a stipend under this section.

(k) The commissioner may audit the expenditure of money appropriated for purposes of this section. A district's use of the money appropriated for purposes of this section shall be verified as part of the district audit under Section 44.008.

(l) A stipend a teacher receives under this section is not considered in determining whether the district is paying the teacher the minimum monthly salary under Section 21.402.

(m) The commissioner may adopt other rules as necessary to implement this section.

SECTION _____. Subchapter J, Chapter 21, Education Code, is amended by adding Section 21.457 to read as follows:

Sec. 21.457. SCIENCE TRAINING. (a) The commissioner shall develop and have approved by the board training materials and other teacher training resources for a school district to use in assisting science teachers in developing:

(1) expertise in the appropriate science curriculum; and

(2) comprehension of the instructional approaches that, through scientific testing, have been proven effective in improving student science skills.

(b) To the extent practicable, the training materials and other teacher training resources required under Subsection (a) shall address instructional approaches designed to reduce any identified disparities in student science performance between groups of students.

(c) The commissioner shall develop materials and resources under this section in consultation with appropriate faculty members at institutions of higher education.

(d) The commissioner shall make the training materials and other teacher training resources required under Subsection (a) available to science teachers through a variety of mechanisms, including distance learning, mentoring programs, small group inquiries, computer-assisted training, and mechanisms based on trainer-of-trainer models.

(e) The commissioner shall use funds appropriated for the purpose to administer this section.

SECTION _____. Subchapter C, Chapter 29, Education Code, is amended by adding Section 29.089 to read as follows:

Sec. 29.089. AFTER-SCHOOL AND SUMMER INTENSIVE SCIENCE INSTRUCTION PROGRAMS. (a) A school district may provide an intensive after-school program or an intensive program during the period that school is recessed for the summer to provide science instruction to:

(1) students who are not performing at grade level in science to assist those students in performing at grade level;

(2) students who are not performing successfully in a science course to assist those students in successfully completing the course; or

(3) students other than those described by Subdivision (1) or (2), as determined by the district.

(b) Before providing a program under this section, the board of trustees of a school district must adopt a policy for:

(1) determining student eligibility for participating in the program that:

(A) prescribes the grade level or course a student must be enrolled in to be eligible; and

(B) provides for considering teacher recommendations in determining eligibility;

(2) ensuring that parents of or persons standing in parental relation to eligible students are provided notice of the program;

(3) ensuring that eligible students are encouraged to attend the program;

(4) ensuring that the program is offered at one or more locations in the district that are easily accessible to eligible students; and

(5) measuring student progress on completion of the program.

(c) The commissioner by rule shall:

(1) prescribe a procedure that a school district must follow to apply for and receive funding for a program under this section;

(2) adopt guidelines for determining which districts receive funding if there is not sufficient funding for each district that applies;

(3) require each district providing a program to report student performance results to the commissioner within the period and in the manner prescribed by the rule; and

(4) based on district reports under Subdivision (3) and any required analysis and verification of those reports, disseminate to each district in this state information concerning instructional methods that have proved successful in improving student performance in science.

(d) A program provided under this section shall be paid for with funds appropriated for that purpose.

SECTION _____. (a) If the Act of the 78th Legislature, Regular Session, 2003, relating to renumbering or relettering certain provisions of enacted codes takes effect, Section 822.201(b), Government Code, as amended by Chapters 118, 834, and 1301, Acts of the 77th Legislature, Regular Session, 2001, is reenacted and amended to read as follows:

(b) "Salary and wages" as used in Subsection (a) means:

(1) normal periodic payments of money for service the right to which accrues on a regular basis in proportion to the service performed;

(2) amounts by which the member's salary is reduced under a salary reduction agreement authorized by Chapter 610;

(3) amounts that would otherwise qualify as salary and wages under Subdivision (1) but are not received directly by the member pursuant to a good faith, voluntary written salary reduction agreement in order to finance payments to a deferred compensation or tax sheltered annuity program specifically authorized by state law or to finance benefit options under a cafeteria plan qualifying under Section 125 of the Internal Revenue Code of 1986, if:

(A) the program or benefit options are made available to all employees of the employer; and

(B) the benefit options in the cafeteria plan are limited to one or more options that provide deferred compensation, group health and disability insurance, group term life insurance, dependent care assistance programs, or group legal services plans;

(4) performance pay awarded to an employee by a school district as part of a total compensation plan approved by the board of trustees of the district and meeting the requirements of Subsection (e);

(5) the benefit replacement pay a person earns under Subchapter H, Chapter 659, ~~[as added by Chapter 417, Acts of the 74th Legislature, 1995,]~~ except as provided by Subsection (c);

(6) stipends paid to teachers in accordance with Section 21.410, 21.411, 21.412, or 21.413, Education Code;

(7) amounts by which the member's salary is reduced or that are deducted from the member's salary as authorized by Subchapter J, Chapter 659; and

(8) a merit salary increase made under Section 51.962, Education Code.

(b) If the Act of the 78th Legislature, Regular Session, 2003, relating to renumbering or relettering certain provisions of enacted codes does not take effect, Section 822.201(b), Government Code, as amended by Chapters 118, 834, and 1301, Acts of the 77th Legislature, Regular Session, 2001, is reenacted and amended to read as follows:

(b) "Salary and wages" as used in Subsection (a) means:

(1) normal periodic payments of money for service the right to which accrues on a regular basis in proportion to the service performed;

(2) amounts by which the member's salary is reduced under a salary reduction agreement authorized by Chapter 610;

(3) amounts that would otherwise qualify as salary and wages under Subdivision (1) but are not received directly by the member pursuant to a good faith, voluntary written salary reduction agreement in order to finance payments to a deferred compensation or tax sheltered annuity program specifically authorized by state law or to finance benefit options under a cafeteria plan qualifying under Section 125 of the Internal Revenue Code of 1986, if:

(A) the program or benefit options are made available to all employees of the employer; and

(B) the benefit options in the cafeteria plan are limited to one or more options that provide deferred compensation, group health and disability insurance, group term life insurance, dependent care assistance programs, or group legal services plans;

(4) performance pay awarded to an employee by a school district as part of a total compensation plan approved by the board of trustees of the district and meeting the requirements of Subsection (e);

(5) the benefit replacement pay a person earns under Subchapter H, Chapter 659, ~~[as added by Chapter 417, Acts of the 74th Legislature, 1995,]~~ except as provided by Subsection (c);

(6) stipends paid to teachers in accordance with Section 21.410, Education Code; Section 21.411, Education Code, as added by Chapter 834, Acts of the 77th Legislature, Regular Session, 2001; Section 21.411, Education Code, as added by Chapter 1301, Acts of the 77th Legislature, Regular Session, 2001; or Section 21.413, Education Code;

(7) amounts by which the member's salary is reduced or that are deducted from the member's salary as authorized by Subchapter J, Chapter 659; and

(8) a merit salary increase made under Section 51.962, Education Code.

SECTION _____. (a) The State Board for Educator Certification shall propose rules establishing requirements and prescribing an examination for master science teacher certification as required by Section 21.0484, Education Code, as added by this Act, not later than January 1, 2005.

(b) Beginning with the 2005-2006 school year:

(1) the commissioner of education shall pay grants under Section 21.413, Education Code, as added by this Act; and

(2) school districts receiving grants shall pay stipends to certified master science teachers under Section 21.413, Education Code, as added by this Act.

SB 1108 - STATEMENT OF LEGISLATIVE INTENT

Amendment No. 1

REPRESENTATIVE GEREN: Mr. Speaker, members, this amendment is **HB 411** that we passed out. It went to the senate, the senate loaded it up with virtual charter school language that we had already defeated. Mr. Grusendorf has sent it to conference, but this is Mr. Grusendorf's bill, exact words. I'm trying to put this on **SB 1108**, as clean as it was when it left the house the first time, the way—obviously—Mr. Grusendorf wanted it, because this is the way that we passed it out. Members, I'd ask you to stay with me on this, so we can

keep—this is a very important bill. It's very well thought-out, very important to the governor, and very important to Mr. Grusendorf. And I would urge y'all to help me put this on this bill, and let's keep it clean.

REPRESENTATIVE GRUSENDORF: Speaker, members, let's all understand what's happening here. I passed a bill out of here, we all voted for it—**HB 411**. I was the house sponsor of it—it's in the senate. The senate did something that we didn't like. We refused to concur, and sent it to conference committee. That's how this system works. There's certain common courtesies that we extend one another down here. When you have a bill, and you bring it, and you ask to postpone your bill, we extend that courtesy to one another. I'm asking you to stay with me on my bill—on both of my bills. Note this down, **HB 411** is not going to fail. I am a firm believer in **HB 411**—I filed it, I've worked on it all session. **HB 411** is going to pass. I'm not going to jeopardize **HB 411** over something else that Mr. Geren and I disagree about. But I do not think that this is the appropriate way to handle a difference of opinion. The way to handle a difference of opinion is to let the process work—to go through conference committee if the house—whatever we agree with the senate on, bring it back. If the house doesn't accept it, we go back and try again, and come back with another conference committee report. That's how this process works. And I would consider it a personal favor if you'd stay with the author on the bill and reject this amendment.

GEREN: Members, we did reject the full-blown virtual charter. My concern is that it will come back with a limited virtual charter, and then we'll again have that same fight. We'll have to cut each other up to clean up the senate's mess. This bill, the governor's math initiative—excuse me, science teacher and math certification—is very important to the governor, it's very important to all of us, it's clean, it's just the way we passed it out of the house, and I would urge you to vote yes on the amendment.

(Speaker in the chair)

Amendment No. 1 failed of adoption.

A record vote was requested.

SB 1108 was passed by (Record 804): 137 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flynn; Gallego; Garza; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez;

Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Raymond; Reyna; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wohlgenuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Chavez; Corte; Dunnam; Giddings; Hope; Riddle; Wise.

Absent — Driver; Flores; Krusee; Naishtat; Quintanilla.

SB 422 ON THIRD READING (Smithee - House Sponsor)

SB 422, A bill to be entitled An Act relating to requirements regarding motor vehicle insurance and proof of financial responsibility; providing penalties.

Amendment No. 1

Representative Smithee offered the following amendment to **SB 422**:

Amend **SB 422** on third reading by amending Amendment No. 1 by Smithee to **SB 422** in added Section 502.1715(a), Transportation Code (page 2, line 9 of the amendment), by striking "fee of \$1" and substituting "fee of \$0.25".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Smithee offered the following amendment to **SB 422**:

Amend **SB 422** on third reading in ARTICLE 5 of the bill as follows:

Amend Section 5.03(b) of the bill to read:

(b) Article 1 and Article 4 of this Act take[~~s~~] effect January 1, 2005.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Smithee offered the following amendment to **SB 422**:

Amend Amendment No. 2 on second reading to **SB 422** as follows:

(1) On page 1, line 10 of the amendment, in added Section 601.010, Transportation Code, strike "Department" and substitute "Texas Department of Transportation".

(2) On page 1, line 11 of the amendment, in added Section 601.010, Transportation Code, strike "Department" and substitute "Texas Department of Transportation".

(3) On page 1, line 15 of the amendment, in added Section 601.010, Transportation Code, strike "Department" and substitute "Texas Department of Transportation".

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Smithee offered the following amendment to **SB 422**:

Amend **SB 422** second reading Amendment No. 5 to read as follows:

(1) Strike added Section 601.506, Transportation Code (page 8, lines 4 through 17).

(2) Renumber existing Sections of added Subchapter N, Chapter 601, Transportation Code, as appropriate.

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative Smithee offered the following amendment to **SB 422**:

Amend Amendment No. 3 on second reading to **SB 422** as follows:

(1) On page 1 of the amendment, strike added Subsection (b) of added Section 601.0521, Transportation Code, and substitute the following:

"During a season when the vehicle is not in use, it shall be a valid excuse for failure to establish proof of financial responsibility that the vehicle is a road tractor, truck-tractor, farm tractor, farm trailer, or farm semitrailer used exclusively to transport seasonally harvested agricultural products or livestock from the place of production to the place of processing, market, or storage."

(2) On page 1 of the amendment, strike added Subsection (c) of added Section 601.0521, Transportation Code, and substitute the following:

"(c) The Texas Department of Transportation may send a notice under Section 601.502 to the owner of a vehicle to which this section applies only if the notice contains the option of responding that the vehicle is used exclusively to transport seasonally harvested agricultural products or livestock from the place of production to the place of processing, market, or storage and that the vehicle is not currently in use."

(3) On page 1 of the amendment, strike added Subsection (d) of added Section 601.0521, Transportation Code, and substitute the following:

"(d) The Texas Department of Transportation may provide by rule a method of determining the season when a vehicle to which this section applies is in use."

Amendment No. 5 was adopted without objection.

A record vote was requested.

SB 422, as amended, failed to pass by (Record 805): 38 Yeas, 91 Nays, 1 Present, not voting.

Yeas — Allen; Berman; Branch; Campbell; Casteel; Chisum; Cook, R.; Crabb; Eiland; Flynn; Gallego; Gattis; Geren; Goolsby; Grusendorf; Hamilton; Hamric; Hardcastle; Hartnett; Heflin; Hegar; Hill; Howard; King; Kolkhorst; Laney; Marchant; Morrison; Nixon; Pitts; Reyna; Ritter; Seaman; Smith, W.; Smithee; Swinford; Van Arsdale; West.

Nays — Alonzo; Bailey; Baxter; Bohac; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Castro; Christian; Coleman; Cook, B.; Crownover; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dukes; Dutton; Edwards; Eissler;

Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Garza; Griggs; Guillen; Gutierrez; Harper-Brown; Hochberg; Hodge; Homer; Hopson; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; Kuempel; Laubenberg; Lewis; Luna; Mabry; Madden; Martinez Fischer; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Quintanilla; Raymond; Rodriguez; Rose; Smith, T.; Solis; Solomons; Stick; Talton; Taylor; Telford; Thompson; Truitt; Uresti; Villarreal; Wilson; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Chavez; Corte; Dunnam; Giddings; Hope; Riddle; Wise.

Absent — Canales; Davis, J.; Driver; Goodman; Haggerty; Hilderbran; Hughes; Krusee; McCall; Mowery; Puente; Turner; Wohlgemuth.

STATEMENT OF VOTE

When Record No. 805 was taken, I was in the house but away from my desk. I would have voted no.

Hilderbran

REMARKS ORDERED PRINTED

Representative Hodge moved to print remarks by Representative Grusendorf and Representative Geren on **SB 1108**.

The motion prevailed without objection.

SB 86 ON THIRD READING (Morrison - House Sponsor)

SB 86, A bill to be entitled An Act relating to the eligibility of a high school graduate for automatic admission to an institution of higher education.

Amendment No. 1

Representative Wilson offered the following amendment to **SB 86**:

Amend **SB 86** (house committee report) by adding the following appropriately numbered SECTION to the bill and by renumbering existing SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 67, Education Code, is amended by adding Section 67.28 to read as follows:

Sec. 67.28. PROVISIONAL ADMISSION PROGRAM. (a) The board shall implement an on-campus provisional admission program that is substantially similar to the on-campus provisional admission program that existed at the university during the 1998-1999 academic year and 1999 summer session.

(b) The board shall admit as a fully enrolled student of the university a student who is admitted under the provisional admission program required by this section and who:

(1) successfully completes, during the summer session or spring semester, whichever begins earlier, immediately following the student's high school graduation, not less than 12 semester credit hours in courses prescribed by the board and offered at the university with a grade point average of at least 2.25 on a four-point scale or the equivalent; and

(2) does not receive a failing grade or an incomplete grade in any course for which the student registers while enrolled under the provisional admission program.

Amendment No. 1 was withdrawn.

SB 86 was passed.

SB 1184 ON THIRD READING
(J. Keffer - House Sponsor)

SB 1184, A bill to be entitled An Act relating to the enforcement of commercial motor vehicle safety standards.

Amendment No. 1

Representative Harper-Brown offered the following amendment to **SB 1184**:

Amend **SB 1184**, on third reading, by adding the following appropriately numbered section to the bill and renumbering the subsequent sections to read as follows:

SECTION _____. Section 542.202(b), Transportation Code, is amended by adding Subsection (3) to read as follows:

(3) "Regulating" means criminal, civil, and administrative enforcement against a person, including the owner or operator of a motor vehicle, in accordance with a state law or a municipal ordinance.

Amendment No. 1 was adopted without objection.

SB 1184, as amended, was passed.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 5).

SB 1320 ON THIRD READING
(Capelo, Truitt, Naishtat, and Coleman - House Sponsors)

SB 1320, A bill to be entitled An Act relating to certain advance directives for medical treatment and medical treatment decisions.

A record vote was requested.

SB 1320 was passed by (Record 806): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dutton;

Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Chavez; Corte; Dunnam; Giddings; Hope; Riddle; Wise.

Absent — Keffer, B.

RESOLUTIONS CALENDAR

The chair laid before the house the following resolutions on committee report:

SCR 45

(J. Keffer - House Sponsor)

SCR 45, Directing the Texas Building and Procurement Commission to rename the Brownwood State School-Units I and II for Mr. Ron Jackson as a tribute to his commitment to public service and his many contributions to the betterment of the State of Texas.

SCR 45 was adopted.

SB 14 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Smithee, the house granted the request of the senate for the appointment of a conference committee on **SB 14**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 14**: Smithee, chair; Seaman; Nixon; Capelo; and Taylor.

SB 319 - STATEMENT OF VOTE

On May 26, when Record No. 745 (passage to third reading) was taken, I was in the house but away from my desk. I would have voted yes.

Castro

SB 270 - STATEMENT OF VOTE

On May 27, I was shown voting no on Record No. 754 (motion to table Amendment No. 17). I intended to vote yes.

Solis

ADJOURNMENT

Representative J. Keffer moved that the house adjourn until 10 a.m. tomorrow.

The motion prevailed without objection.

The house accordingly, at 9:03 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

Senate List No. 39

SB 155, SB 253, SB 282, SB 333, SB 401, SB 443, SB 478, SB 529, SB 530, SB 533, SB 616, SB 658, SB 716, SB 801, SB 803, SB 853, SB 939, SB 1067, SB 1226, SB 1326, SB 1439, SB 1452, SB 1517, SB 1565, SB 1574, SB 1601, SB 1646, SB 1744, SB 1833, SB 1896, SB 1934, SCR 53, SCR 57, SJR 45

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1**MESSAGE FROM THE SENATE****SENATE CHAMBER**

Austin, Texas

Wednesday, May 28, 2003

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

LOCAL AND UNCONTESTED CALENDAR**HB 12**

Keel

SPONSOR: Armbrister

Relating to the prosecution of the offense of disorderly conduct.

HB 13 Keel SPONSOR: Wentworth
Relating to making arrest warrants and certain affidavits made in support of the issuance of arrest warrants available for public inspection.

HB 32 Hodge SPONSOR: Deuell
Relating to certain writs of habeas corpus based solely on a claim of a time-served credit error.

HB 42 Chisum SPONSOR: Duncan
Relating to venue in the prosecution of the offenses of escape and unauthorized absence.

HB 59 Wise SPONSOR: Van de Putte
Relating to the offense of aggravated kidnapping, the punishment for the offense of kidnapping, and the definition of and punishment for the offense of trafficking in persons.
(Committee Substitute)

HB 124 Burnam SPONSOR: Van de Putte
Relating to property insurance coverage for certain jewelry.

HB 135 Brown, Fred SPONSOR: Shapiro
Relating to the requirements of an auctioneer's license.

HB 136 Brown, Fred SPONSOR: Nelson
Relating to limiting the amount of county, municipal, or junior college district ad valorem taxes that may be imposed on the residence homesteads of the disabled and of the elderly and their surviving spouses.

HB 145 Solomons SPONSOR: Fraser
Relating to workers' compensation dispute resolution.

HB 146 Solomons SPONSOR: Estes
Relating to jury duty on general election day.

HB 151 Farabee SPONSOR: Estes
Relating to offenses involving dogs or coyotes that are a danger to livestock and other animals.
(Committee Substitute)

HB 155 West, George "Buddy" SPONSOR: Whitmire
Relating to prohibiting a sex offender from owning or serving in certain capacities on behalf of a sexually oriented business; creating an offense and providing a penalty.

HB 162 Flores SPONSOR: Averitt
Relating to the requirements for a petition to change the name of an adult.

HB 171 Keel SPONSOR: Whitmire
Relating to the authority of a district court to order the expunction of arrest records and files for certain persons.

HB 177 McCall SPONSOR: West
Relating to the regulation of certain international matchmaking organizations; providing a civil penalty.

HB 193 Pitts SPONSOR: Averitt
Relating to the number of members of an appraisal review board.

HB 208 Puente SPONSOR: Lucio
Relating to persons who may obtain a mechanic's lien on real property.

HB 236 West, George "Buddy" SPONSOR: Shapiro
Relating to the punishment for the offense of obscenity and to certain consequences related to convictions for certain sex offenses.
(Committee Substitute)

HB 240 Miller SPONSOR: Fraser
Relating to the punishment for criminal mischief committed by intentionally introducing infectious diseases into livestock.

HB 249 Goolsby SPONSOR: Madla
Relating to the returned check fee collected by a county clerk.
(Committee Substitute)

HB 253 Chisum SPONSOR: Armbrister
Relating to granting, renewing, or amending a license or registration under the Texas Radiation Control Act.

HB 254 Kolkhorst SPONSOR: Armbrister
Relating to venue in the prosecution of the offense of fraudulent use or possession of identifying information.

HB 256 Hochberg SPONSOR: Shapiro
Relating to excused absences for religious holy days for students in institutions of higher education.

HB 274 Keel SPONSOR: Armbrister
Relating to the prosecution of the offense of harassment by persons in certain correctional and detention facilities.

HB 297 Goodman SPONSOR: Estes
Relating to the duration and effect of a magistrate's order for emergency protection.

HB 298 Miller SPONSOR: Nelson
Relating to prohibiting the disclosure of personal customer information by the Parks and Wildlife Department.

HB 301 Talton SPONSOR: Whitmire
Relating to the eligibility of certain persons to represent a person before the Board of Pardons and Paroles or a parole panel.

HB 341 Uresti SPONSOR: Lindsay
Relating to parenting and postpartum counseling information to be provided to a pregnant woman.
(Committee Substitute)

HB 390 Pitts SPONSOR: Averitt
Relating to the effect of tax increment financing by certain taxing units in the calculation of ad valorem tax rates for those taxing units.

HB 402 Madden SPONSOR: Shapiro
Relating to a pilot program involving the use of an electronic registration system.

HB 403 Madden SPONSOR: Madla
Relating to the penalty for premature disclosure of voting results.

HB 406 Miller SPONSOR: Williams
Relating to proceeds received by a person accused or convicted of a crime from publicizing the crime.

HB 408 Miller SPONSOR: Fraser
Relating to the liability of landowners for certain uses of their land.

HB 415 Flores SPONSOR: West
Relating to state funding of courses offered for joint high school and junior college credit.

HB 418 Martinez Fischer SPONSOR: Lindsay
Relating to fines collected for child safety belt offenses.

HB 420 Martinez Fischer SPONSOR: Zaffirini
Relating to the punishment for certain property offenses committed against an elderly individual.

HB 424 Christian SPONSOR: Staples
Relating to the regulation of certain housing authorities; providing a penalty.

HB 447 Hochberg SPONSOR: Zaffirini
Relating to state assessment of academic skills of public school students in special education programs.

HB 453 Villarreal SPONSOR: Shapleigh
Relating to a pilot program for early childhood teacher education and retention.

HB 469 Berman SPONSOR: Deuell
Relating to the placement in a juvenile justice alternative education program of certain students with disabilities.

HB 470 Hochberg SPONSOR: Carona
Relating to the labeling, advertising, and sale of halal foods; providing a criminal penalty.

HB 479 Hunter SPONSOR: Armbrister
Relating to registration with the Selective Service System of certain applicants for a driver's license or personal identification certificate.
(Committee Substitute)

HB 500 Goolsby SPONSOR: Carona
Relating to the confidentiality of certain information contained in applications for ad valorem tax exemptions; providing criminal penalties.

HB 508 Woolley SPONSOR: Williams
Relating to notice of an increase in certain rates or charges for certain group policies or contracts.

HB 552 Hegar SPONSOR: Janek
Relating to expulsion of students from public schools for certain conduct.

HB 559 Brown, Betty SPONSOR: Deuell
Relating to the disposition of certain contraband.

HB 560 Pickett SPONSOR: Madla
Relating to vehicles left unattended on certain parking facilities and to the removal and storage of those vehicles.

HB 565 Haggerty SPONSOR: Jackson
Relating to the punishments for the offenses of assault and aggravated assault committed against a security officer.

HB 573 Hunter SPONSOR: Van de Putte
Relating to the Texas Legislative Medal of Honor and other state military awards.

HB 616 Keel SPONSOR: Hinojosa
Relating to the punishment for the offense of terroristic threat.

HB 649 Keffer, Jim SPONSOR: Estes
Relating to creating an interagency work group on rural issues.

HB 653 Davis, John SPONSOR: Janek
Relating to a shampoo apprentice permit.

HB 670 Phillips SPONSOR: Estes
Relating to the use of pseudonyms for victims of certain criminal offenses connected to the commission of a sex offense.

HB 674 Madden SPONSOR: Lucio
Relating to the modification of certain child support orders.

HB 703 Solomons SPONSOR: Janek
Relating to the property tax appraisal of property located in more than one appraisal district.

HB 705 Solomons SPONSOR: Nelson
Relating to liability of in-home service companies and residential delivery companies for negligent hiring.
(Amended)

HB 716 Delisi SPONSOR: Harris
Relating to the punishment for assaults committed against certain sports participants.
(Committee Substitute)

HB 727 Delisi SPONSOR: Janek
Relating to disease management programs for certain Medicaid recipients.
(Committee Substitute)

HB 830 Hughes SPONSOR: Ratliff
Relating to the number of jurors required for certain district court criminal trials.

HB 831 Reyna SPONSOR: Deuell
Relating to regulation of the use of laser pointers; providing a criminal penalty.

HB 849 Talton SPONSOR: Jackson
Relating to the regulation of tow trucks, to the authority of a political subdivision of this state to regulate tow trucks, and to insurance for commercial motor vehicles; providing penalties.
(Committee Substitute)

HB 875 Menendez SPONSOR: Whitmire
Relating to peace officers commissioned by the State Board of Dental Examiners.

HB 885 Dutton SPONSOR: West
Relating to the rights of spouses in relation to separate and community property.

HB 888 Dutton SPONSOR: Whitmire
Relating to progressive sanctions programs for juvenile offenders.

HB 893 Haggerty SPONSOR: Brimer
Relating to the correction of an appraisal roll, a tax roll, and other appropriate records following the final determination of an ad valorem tax appeal.

HB 897 Woolley SPONSOR: Nelson
Relating to the operation of certain employer coalitions and cooperatives established for the provision of health benefits coverage.
(Committee Substitute)

HB 942 Chisum SPONSOR: Hinojosa
Relating to certain bond requirements for persons engaged in certain activities under the jurisdiction of the Railroad Commission of Texas other than the ownership or operation of wells.
(Committee Substitute)

HB 944 King SPONSOR: Estes
Relating to the admission to public institutions of higher education of students with nontraditional secondary educations.
(Committee Substitute)

HB 946 Brown, Fred SPONSOR: Wentworth
Relating to the permissible size of certain recreational vehicles operated on a public highway.

HB 948 Crownover SPONSOR: Fraser
Relating to the composition of the Texas Racing Commission.
(Committee Substitute)

HB 983 Talton SPONSOR: Staples
Relating to the authority of an ad valorem tax appraisal district to obtain certain criminal history record information relating to an applicant for employment.

HB 999 Madden SPONSOR: Ellis, Rodney
Relating to electronic reporting of political contributions and expenditures.
(Committee Substitute)

HB 1027 Hupp SPONSOR: Armbrister
Relating to the confidentiality of crime victim information.

HB 1036 Ritter SPONSOR: Shapiro
Relating to the confidentiality of certain reports of criminal activity and to immunity from civil liability for certain persons making or receiving those reports.

HB 1046 Swinford SPONSOR: Duncan
Relating to an application for registration of a commercial fertilizer.

HB 1050 Olivo SPONSOR: Gallegos
Relating to school attendance of a child placed in substitute care.

HB 1053 Rodriguez SPONSOR: Ellis, Rodney
Relating to the confidentiality of social security numbers in certain circumstances.
(Amended)

-
- HB 1060** Thompson SPONSOR: Ellis, Rodney
Relating to prohibiting the promotion of certain improper photographs or visual recordings; providing a penalty.
- HB 1077** Jones, Jesse SPONSOR: West
Relating to removal of remains interred in a cemetery.
- HB 1087** Olivo SPONSOR: Gallegos
Relating to longevity pay for county jailers employed by certain sheriff's departments.
- HB 1090** Miller SPONSOR: Averitt
Relating to the authority of the Texas Department on Aging to establish a prescription drug information and assistance program.
- HB 1097** Capelo SPONSOR: Gallegos
Relating to the birth defects monitoring program.
(Committee Substitute)
- HB 1108** Lewis SPONSOR: Madla
Relating to emergency services districts.
(Committee Substitute)
- HB 1114** Moreno, Joe E. SPONSOR: Gallegos
Relating to the criminal offense of selling an alcoholic beverage to certain persons.
- HB 1119** Goodman SPONSOR: Brimer
Relating to the disposition of cruelly treated animals and to punishment for the offense of cruelty to animals.
(Committee Substitute)
- HB 1129** Farrar SPONSOR: Gallegos
Relating to enforcement of certain types of restrictions in certain municipalities.
(Committee Substitute)
- HB 1146** Dutton SPONSOR: Janek
Relating to a limitation on audits of an open-enrollment charter school.
(Amended)
- HB 1163** Thompson SPONSOR: Harris
Relating to contracts between certain health care providers and health benefit plans.
(Amended)
- HB 1166** Solomons SPONSOR: Shapleigh
Relating to the on-line information needs and requirements of licensing agencies and their license holders.
- HB 1173** Madden SPONSOR: Madla
Relating to the use of a building on a federal military base or facility as a polling place in an election.
- HB 1180** Chisum SPONSOR: Duncan
Relating to participation by a defendant in a state boot camp program.
- HB 1192** West, George "Buddy" SPONSOR: Armbrister

Relating to the purchase of vehicles using alternative fuels by the Railroad Commission of Texas.

HB 1193 West, George "Buddy" SPONSOR: Armbrister
Relating to the annual gas utility report made by the Railroad Commission of Texas to the governor.

HB 1194 West, George "Buddy" SPONSOR: Armbrister
Relating to pipeline safety fees.

HB 1195 West, George "Buddy" SPONSOR: Armbrister
Relating to the fee for a reissued certificate of compliance for an oil lease or gas well.

HB 1202 Dutton SPONSOR: Van de Putte
Relating to recovery of certain funds received by an open-enrollment charter school.
(Amended)

HB 1223 Madden SPONSOR: Estes
Relating to continuation of a residence homestead ad valorem tax exemption when the owner temporarily ceases occupying the homestead due to military service or other causes.

HB 1230 Elkins SPONSOR: Carona
Relating to risk management services for employees of community supervision and corrections departments.

HB 1232 Geren SPONSOR: Brimer
Relating to the expiration of alcoholic beverage permits and licenses.
(Committee Substitute)

HB 1241 Homer SPONSOR: Janek
Relating to measures to protect the state from theft, lost lottery tickets, or other losses incurred by or in connection with lottery sales agents.

HB 1246 Riddle SPONSOR: Hinojosa
Relating to the prosecution of the offenses of sexual assault and aggravated sexual assault.

HB 1247 Ritter SPONSOR: Madla
Relating to the creation, funding, and operation of a fire fighter and police officer home loan program.
(Committee Substitute)

HB 1274 Geren SPONSOR: Nelson
Relating to the procedure for collecting signatures on a petition filed in connection with a candidate's application for a place on the ballot.

HB 1278 Zedler SPONSOR: Janek
Relating to an exemption from ad valorem taxation for property owned by a religious organization that is leased for use as a school or that is owned with the intent of expanding or constructing a religious facility.
(Committee Substitute)

HB 1287 Chisum SPONSOR: Madla
Relating to the location and operation of certain portable facilities.

(Committee Substitute)

HB 1326

Martinez Fischer

SPONSOR: Whitmire

Relating to the civil and criminal consequences of racing a motor vehicle on a public highway or street and of being a spectator at an illegal motor vehicle racing event; providing penalties.

(Amended)

HB 1329

McReynolds

SPONSOR: Staples

Relating to the liability insurance and security requirements for wood treaters and other persons engaged in the business of structural pest control.

HB 1363

Crownover

SPONSOR: Estes

Relating to funding for the Texas Academy of Mathematics and Science.

(Committee Substitute)

HB 1372

Allen

SPONSOR: Whitmire

Relating to the operation of certain Texas Department of Criminal Justice industries and private sector prison industries programs.

HB 1378

Geren

SPONSOR: Duncan

Relating to certain duties and information regarding water planning and development matters in the state.

(Committee Substitute)

HB 1380

Thompson

SPONSOR: Harris

Relating to certain products offered in connection with a consumer loan.

HB 1401

Goolsby

SPONSOR: Carona

Relating to the implementation of Amber Alert or another system for publicly disseminating emergency information about abducted children by the Texas Lottery Commission.

HB 1406

Brown, Betty

SPONSOR: Staples

Relating to a recommendation by a school district employee concerning a use of a psychotropic drug by a student or suggestion of a particular diagnosis and to refusal by a parent or certain other person to consent to administration of a psychotropic drug to a student or to psychiatric evaluation or examination of a student.

(Committee Substitute)

HB 1420

Hardcastle

SPONSOR: Madla

Relating to the use of a portion of medical school tuition for student loan repayment assistance for physicians.

(Committee Substitute)

HB 1440

Eissler

SPONSOR: Van de Putte

Relating to the frequency of public school teacher appraisals.

(Committee Substitute)

HB 1441

Eissler

SPONSOR: Williams

Relating to school districts that place an excessive number of students in certain special education instructional arrangements.

HB 1458

Eiland

SPONSOR: Jackson

Relating to criminal obstruction of or retaliation against an honorably retired peace officer.

HB 1470 Hartnett SPONSOR: Harris
Relating to guardianships and the jurisdiction of certain courts; providing a criminal penalty.
(Amended)

HB 1473 Hartnett SPONSOR: Harris
Relating to probate matters.

HB 1483 Allen SPONSOR: Nelson
Relating to the regulation of the practice of nursing by the Board of Nurse Examiners and to the abolition of the Board of Vocational Nurse Examiners and the transfer of the functions of that agency to the Board of Nurse Examiners.
(Committee Substitute)

HB 1493 Solomons SPONSOR: Harris
Relating to the foreclosure of property and the authority of a mortgage servicer to administer the foreclosure on behalf of a mortgagee.
(Committee Substitute)

HB 1497 Dutton SPONSOR: Gallegos
Relating to the adoption of an adult.

HB 1510 Flores SPONSOR: Van de Putte
Relating to package store tasting permits.

HB 1512 West, George "Buddy" SPONSOR: Armbrister
Relating to meetings to exchange information regarding emergency management plans relating to pipeline safety.

HB 1517 Jones, Jesse SPONSOR: West
Relating to publicizing a list of voters' rights.
(Committee Substitute)

HB 1534 Cook, Robby SPONSOR: Armbrister
Relating to certain powers of groundwater conservation districts.
(Committee Substitute)

HB 1566 Telford SPONSOR: Ratliff
Relating to Texas A&M University–Texarkana.
(Committee Substitute)

HB 1575 Ritter SPONSOR: Lucio
Relating to cost-based transportation rates for natural gas.
(Committee Substitute)

HB 1576 Gallego SPONSOR: Shapleigh
Relating to the telecommunications planning and oversight council.
(Committee Substitute)

HB 1590 Paxton SPONSOR: Carona
Relating to multiple-party accounts.
(Committee Substitute)

HB 1592 Nixon SPONSOR: Janek

Relating to the establishment of the offense of performing surgery while intoxicated.

HB 1597 Madden SPONSOR: Staples
Relating to the use of federal write-in absentee ballots by military and overseas personnel.

HB 1602 Madden SPONSOR: Ellis, Rodney
Relating to the availability on the Internet of electronic reports of political contributions and expenditures.

HB 1609 Riddle SPONSOR: Ellis, Rodney
Relating to administration of certain oaths by an employee of a personal bond office.

HB 1614 Truitt SPONSOR: Madla
Relating to the reporting of medical errors and the establishment of a patient safety program in hospitals, ambulatory surgical centers, and mental hospitals; providing an administrative penalty.
(Committee Substitute)

HB 1615 Farabee SPONSOR: Fraser
Relating to requirements for door restrictors or firefighter's service applicable to certain elevators, escalators, or related equipment.

HB 1621 Flores SPONSOR: West
Relating to authorizing a public junior college to waive a portion of the tuition and fees for a student enrolled in a course for joint high school-junior college credit.
(Amended)

HB 1629 Keffer, Jim SPONSOR: Deuell
Relating to certain reports, records, offenses, and penalties under the Texas Controlled Substances Act.

HB 1634 Hilderbran SPONSOR: Staples
Relating to the ability of a court to maintain jurisdiction over a person placed on community supervision who absconds and to defenses to revocation of community supervision.
(Committee Substitute)

HB 1649 Mercer SPONSOR: Van de Putte
Relating to student fees charged at The University of Texas at San Antonio.
(Committee Substitute)

HB 1650 Mercer SPONSOR: Van de Putte
Relating to student fees charged at The University of Texas at San Antonio.
(Committee Substitute)

HB 1660 Flores SPONSOR: Hinojosa
Relating to a report to the legislature regarding the installation and operation of video camera surveillance systems in county jails.
(Amended)

HB 1661 Haggerty SPONSOR: Jackson

Relating to the carrying of certain weapons by a person who holds a security officer commission issued by the Texas Commission on Private Security.
(Amended)

HB 1675 Menendez SPONSOR: Madla
Relating to an extension of the state law supporting the Olympic and Pan American Games to cover the 2011 Pan American Games.

HB 1678 Chisum SPONSOR: Armbrister
Relating to the creation, management, and use of the radiation and perpetual care account in the general revenue fund.

HB 1681 Stick SPONSOR: Wentworth
Relating to the amount of compensation and allowances for certain county auditors.

HB 1686 Chisum SPONSOR: Deuell
Relating to pharmacies that maintain emergency medication kits at certain institutions.

HB 1695 Denny SPONSOR: Nelson
Relating to certain election processes and procedures.
(Committee Substitute)

HB 1696 Denny SPONSOR: Staples
Relating to the hours of service of a poll watcher on election day.
(Committee Substitute)

HB 1697 Denny SPONSOR: Staples
Relating to recounts of elections in which direct recording electronic voting machines were used.

HB 1709 Casteel SPONSOR: Wentworth
Relating to the settlement of the guardianship of the estate of a ward.

HB 1713 Hodge SPONSOR: Whitmire
Relating to an application for a writ of habeas corpus to seek relief related to community supervision.

HB 1733 Hamric SPONSOR: Shapiro
Relating to certain records kept by persons who weigh cargo transported by commercial motor vehicles.
(Committee Substitute)

HB 1743 Delisi SPONSOR: Nelson
Relating to prevention of fraud and abuse under the medical assistance program; creating an offense.
(Committee Substitute)

HB 1749 Hupp SPONSOR: Fraser
Relating to the security provided for revenue bonds issued by the Veterans' Land Board.

HB 1767 Ellis SPONSOR: Williams
Relating to the approval of expenditures of certain incumbent county or precinct officers.

HB 1769 Driver SPONSOR: Shapiro

Relating to occupations regulated by the Texas Commission on Private Security.

HB 1773 Smith, Wayne SPONSOR: Brimer
Relating to regulation of junked vehicles.
(Committee Substitute)

HB 1777 Dawson SPONSOR: Jackson
Relating to allowing a political subdivision other than a county to change the date of its general election.

HB 1784 McReynolds SPONSOR: West
Relating to an offense of blocking an access aisle designed to aid persons with disabilities.

HB 1791 Chisum SPONSOR: Armbrister
Relating to permits for the commercial composting of certain solid wastes.

HB 1797 Farabee SPONSOR: Averitt
Relating to group and blanket accident and health insurance.

HB 1798 Farabee SPONSOR: Averitt
Relating to health maintenance organizations.

HB 1799 Farabee SPONSOR: Averitt
Relating to group life insurance.

HB 1800 Farabee SPONSOR: Averitt
Relating to health maintenance organizations.

HB 1817 Ritter SPONSOR: Duncan
Relating to student fees at institutions in the Texas State University System.
(Committee Substitute)

HB 1823 Hamric SPONSOR: Lindsay
Relating to financial assurance for certain solid waste processing facilities.

HB 1828 Farabee SPONSOR: Whitmire
Relating to the name and use of the graffiti eradication fund.

HB 1833 Goodman SPONSOR: Harris
Relating to certain fees that may be assessed and collected by a domestic relations office.
(Amended)

HB 1838 Thompson SPONSOR: Averitt
Relating to the prosecution of the offense of insurance fraud; providing a penalty.

HB 1840 Solomons SPONSOR: Janek
Relating to a fee established and set by the State Securities Board.

HB 1844 Grusendorf SPONSOR: Shapiro
Relating to a program under which classroom teachers are reimbursed for personal funds expended on classroom supplies.
(Amended)

HB 1858 Wise SPONSOR: Staples
Relating to the promotion and marketing of Texas products.
(Committee Substitute)

HB 1863 Bohac SPONSOR: Lindsay

Relating to the disclosure of certain voter registration information.

HB 1865

Bonnen

SPONSOR: Williams

Relating to commercial group property insurance for certain businesses and associations.

(Committee Substitute)

HB 1869

Baxter

SPONSOR: Williams

Relating to the admission of certain video testimony into evidence in a proceeding regarding the abuse or neglect of a child.

(Committee Substitute)

HB 1872

Riddle

SPONSOR: Williams

Relating to the prosecution of the offense of criminal trespass.

HB 1877

Hardcastle

SPONSOR: Madla

Relating to creating the rural physician relief program.

HB 1885

Goolsby

SPONSOR: Lucio

Relating to certain filing fees in a suit affecting the parent-child relationship.

HB 1895

Hope

SPONSOR: Staples

Relating to the compensation provided to an immediate family member or a household member of a deceased victim for funeral attendance and bereavement leave or certain other crime victims' services.

(Amended)

HB 1899

Nixon

SPONSOR: Nelson

Relating to the prevention of the international abduction of a child by a parent of the child.

HB 1905

Farrar

SPONSOR: Gallegos

Relating to the records management and preservation fee collected by a district clerk.

HB 1920

Capelo

SPONSOR: Zaffirini

Relating to certain immunization programs.

HB 1921

Capelo

SPONSOR: Zaffirini

Relating to the immunization registry.

HB 1934

Capelo

SPONSOR: Madla

Relating to security and payment for, and the use of the proceeds of, certain public securities.

HB 1940

Luna

SPONSOR: Hinojosa

Relating to longevity pay for assistant prosecutors.

(Amended)

HB 1971

Uresti

SPONSOR: Nelson

Relating to convictions barring employment in certain facilities serving the elderly or persons with disabilities.

(Committee Substitute)

HB 1972

Uresti

SPONSOR: Gallegos

Relating to an administrative review process for child support payments.

HB 1975

Deshotel

SPONSOR: Ellis, Rodney

Relating to providing a physical address for a ballot to be delivered to the early voting clerk.

HB 1979 Puente SPONSOR: Armbrister
Relating to preventing the discharge of untreated wastewater into waters of the state.
(Committee Substitute)

HB 1997 Gutierrez SPONSOR: Armbrister
Relating to the regulation of electric personal assistive mobility devices.
(Committee Substitute)

HB 2002 Dutton SPONSOR: West
Relating to unexpended proceeds from the sale or license of treatment programs developed by the Texas Youth Commission.

HB 2005 Moreno, Joe E. SPONSOR: Gallegos
Relating to the requirements for certain alcoholic beverage licenses and permits.

HB 2019 Griggs SPONSOR: Harris
Relating to the creation of a state advisory council with authority to promote research, education, treatment, and support activities related to persons with traumatic brain injuries.
(Committee Substitute)

HB 2029 Miller SPONSOR: Fraser
Relating to the powers and duties of the Hamilton County Hospital District with respect to the issuance of bonds.

HB 2033 Menendez SPONSOR: Fraser
Relating to historically underutilized businesses that perform investment brokerage services for a state agency.

HB 2036 Swinford SPONSOR: Bivins
Relating to allowing certain political subdivisions to enter agreements with other political subdivisions for the collection of past due amounts for certain utility or waste disposal services.
(Committee Substitute)

HB 2040 Marchant SPONSOR: Ellis, Rodney
Relating to authorizing certain state agencies to share information for investigative purposes.

HB 2043 Griggs SPONSOR: Brimer
Relating to the procedures for appointment of the board of directors of an appraisal district.

HB 2053 Smith, Wayne SPONSOR: Janek
Relating to group health and related benefits provided by counties.
(Amended)

HB 2063 Bohac SPONSOR: Lindsay
Relating to the employees affected by certain county grievance procedures.

HB 2064 Bohac SPONSOR: Lindsay
Relating to the procedure for returning an application for an early voting ballot.

HB 2072 Grusendorf SPONSOR: Shapiro

Relating to payment by teachers for missing textbooks in public schools.
(Amended)

HB 2073 Hilderbran SPONSOR: Fraser
Relating to the ad valorem tax rate of a hospital district created under general or special law.
(Committee Substitute)

HB 2085 Campbell SPONSOR: Duncan
Relating to the availability of bilingual clerks for an election.

HB 2099 Dutton SPONSOR: West
Relating to the determination of the conservatorship of, and the right of possession of or access to, a child by a person who has a history of family violence.

HB 2112 Homer SPONSOR: Brimer
Relating to the liability of an employer for actions of an employee in the sale, service, dispensing, or delivery of alcoholic beverages.

HB 2128 Chisum SPONSOR: Duncan
Relating to the transfer of certain state property from the Department of Public Safety of the State of Texas to Childress County.

HB 2138 Hopson SPONSOR: Hinojosa
Relating to the use of certain electronic devices for the purpose of committing identity theft; providing criminal penalties.

HB 2147 Gattis SPONSOR: Wentworth
Relating to the filing of a late application for a residence homestead exemption from ad valorem taxation.

HB 2148 Gattis SPONSOR: Wentworth
Relating to the prohibition of a restriction or condition placed on a check tendered in payment of delinquent ad valorem taxes, penalties, and interest.

HB 2149 Denny SPONSOR: Staples
Relating to notice of, and disclosure of information about, an investigation of criminal conduct in connection with an election.

HB 2152 Denny SPONSOR: Staples
Relating to automatic recounts of certain majority vote elections.

HB 2153 Denny SPONSOR: Staples
Relating to filing a voting system equipment contract with the secretary of state.
(Committee Substitute)

HB 2154 Denny SPONSOR: Staples
Relating to appealing certain decisions of an election judge at a polling place.

HB 2156 Goolsby SPONSOR: Carona
Relating to the size of containers for certain alcoholic beverages.

HB 2159 Garza SPONSOR: Madla
Relating to a documented member of the Kickapoo Traditional Tribe of Texas hunting certain deer.

HB 2162 McReynolds SPONSOR: Staples

Relating to the authority of certain counties to impose a hotel occupancy tax.

HB 2180

Baxter

SPONSOR: Carona

Relating to the computation of charges assessed against a tenant in certain commercial leases.

HB 2188

Rodriguez

SPONSOR: Wentworth

Relating to alternate methods of responding to a jury summons.

(Amended)

HB 2189

Rodriguez

SPONSOR: Wentworth

Relating to temporary guardianship procedures.

(Amended)

HB 2198

Solomons

SPONSOR: Fraser

Relating to the certification of maximum medical improvement and the impairment rating assigned to an employee in a claim for workers' compensation benefits.

HB 2199

Solomons

SPONSOR: Fraser

Relating to the right of an insurance carrier to contest the compensability of an injury in a workers' compensation case; providing an administrative violation.

HB 2208

Allen

SPONSOR: Nelson

Relating to the regulation of the practice of professional nursing.

HB 2212

Mowery

SPONSOR: Madla

Relating to the continuation of legal land use in newly incorporated areas.

(Amended)

HB 2240

Paxton

SPONSOR: Harris

Relating to the management of certain trusts and the adoption of the Uniform Prudent Investor Act.

(Amended)

HB 2241

Paxton

SPONSOR: Harris

Relating to adoption of the Uniform Principal and Income Act.

(Amended)

HB 2248

Denny

SPONSOR: Armbrister

Relating to certain fraudulent criminal conduct affecting a financial institution.

HB 2249

Howard

SPONSOR: Staples

Relating to sale and lease of public school land.

(Committee Substitute)

HB 2251

Flores

SPONSOR: Van de Putte

Relating to allowing supplemental pay for members of the Texas National Guard who are called to active duty when active duty service imposes an economic hardship.

HB 2252

Flores

SPONSOR: Hinojosa

Relating to exemptions for certain individuals from cost recovery actions and liens placed on homesteads by the Texas Commission on Environmental Quality.

HB 2308

Jones, Jesse

SPONSOR: West

Relating to the low income housing tax credit program.

(Committee Substitute)

HB 2322 McReynolds SPONSOR: Staples
Relating to the authority of certain counties to impose a hotel occupancy tax.

HB 2323 McReynolds SPONSOR: Carona
Relating to the transfer of certain suits regarding workers' compensation claims.

HB 2343 Kolkhorst SPONSOR: Ogden
Relating to the transfer of certain state property from the Texas Department of Criminal Justice to Walker County.
(Amended)

HB 2350 Dawson SPONSOR: Nelson
Relating to the amount charged by the Texas Department of Health for a youth camp license.
(Committee Substitute)

HB 2376 Elkins SPONSOR: Averitt
Relating to the correction or removal from the statutes of obsolete references regarding the surety bonds of state officers and employees.

HB 2379 Hill SPONSOR: Shapiro
Relating to the recreational facility fee charged at The University of Texas at Dallas.
(Committee Substitute)

HB 2386 Hill SPONSOR: Brimer
Relating to the authority of certain municipalities or counties to impose a facility use tax to finance venue projects.

HB 2388 Cook, Robby SPONSOR: Armbrister
Relating to the late payment of certain submetered or allocated water bills and the use of certain submetering equipment.

HB 2397 Corte SPONSOR: Williams
Relating to a vendor's or subcontractor's remedy for nonpayment of certain contracts.

HB 2400 Noriega SPONSOR: Gallegos
Relating to military leave and military leave time accounts for certain municipal fire fighters and police officers.
(Committee Substitute)

HB 2409 Solomons SPONSOR: Brimer
Relating to the disclosure of certain information held by a business offering check verification or check guarantee services.

HB 2416 Hochberg SPONSOR: Janek
Relating to the extension of the period for which an incomplete improvement on property owned by certain nonprofit organizations may be exempted from ad valorem taxation and exempting from additional taxes open-space land converted by certain nonprofit organizations for certain charitable purposes.

HB 2453 Kolkhorst SPONSOR: Ogden
Relating to the definition of a hospital district management contractor.
(Committee Substitute)

- HB 2457** Rangel SPONSOR: Lucio
Relating to an intercollegiate athletics fee at Texas A&M University–Kingsville.
(Amended)
- HB 2485** Hochberg SPONSOR: Ratliff
Relating to internal auditing of state agencies.
(Committee Substitute)
- HB 2496** Branch SPONSOR: Janek
Relating to the date of the primary election.
- HB 2500** Harper-Brown SPONSOR: Harris
Relating to the enforcement of fares imposed for the use of certain public transportation systems; providing penalties.
(Committee Substitute)
- HB 2519** Flores SPONSOR: Lucio
Relating to the regulation of bingo.
(Committee Substitute)
- HB 2522** Krusee SPONSOR: Ogden
Relating to financing authority for certain institutions of higher education for facilities.
(Committee Substitute)
- HB 2525** Ellis SPONSOR: Whitmire
Relating to the punishment of certain assaults committed against persons who contract with government and employees of those persons.
(Amended)
- HB 2528** Madden SPONSOR: Fraser
Relating to the authority of school districts to purchase electricity through a political subdivision corporation.
- HB 2548** King SPONSOR: Fraser
Relating to electric transmission capacity.
- HB 2562** Rose SPONSOR: Barrientos
Relating to persons eligible for burial in the State Cemetery.
- HB 2579** Goolsby SPONSOR: Carona
Relating to the extended hours of sale for mixed beverages and beer in certain counties.
- HB 2588** Goodman SPONSOR: Harris
Relating to certain fees and costs that may be collected and to certain attorney's fees and costs that may be imposed in relation to certain child support matters.
(Amended)
- HB 2609** Coleman SPONSOR: Nelson
Relating to the establishment of mental health court programs.
- HB 2613** Keffer, Bill SPONSOR: Armbrister
Relating to liens on stored hydrocarbons at sites and facilities that have not been timely cleaned up.
- HB 2636** Madden SPONSOR: Staples

Relating to notifying an applicant of the omission of certain information from a federal postcard application to vote in an election.

HB 2650 Kuempel SPONSOR: Armbrister
Relating to the creation of a council to oversee the implementation of a statewide integrated public safety radio communications system for public safety and homeland security purposes.

HB 2660 Puente SPONSOR: Lucio
Relating to the establishment of minimum levels of water conservation in water conservation plans.

HB 2661 Puente SPONSOR: Armbrister
Relating to the use of greywater.

HB 2663 Puente SPONSOR: Lucio
Relating to the establishment of quantifiable goals for drought contingency plans.

HB 2678 Hartnett SPONSOR: Deuell
Relating to authorization for a payroll deduction to be made from a county employee's wages or salary.

HB 2684 Denny SPONSOR: Staples
Relating to the timely filing of an application for a place on the ballot for an office of a home-rule city.

HB 2692 Guillen SPONSOR: Zaffirini
Relating to a pilot program to promote and facilitate the operation of diabetes groups.

HB 2701 Keffer, Jim SPONSOR: Estes
Relating to the provision of fire prevention and safety education.

HB 2718 Smith, Wayne SPONSOR: Jackson
Relating to the allocation and use of municipal hotel occupancy taxes in certain municipalities bordering bays.
(Committee Substitute)

HB 2721 Gutierrez SPONSOR: Van de Putte
Relating to the acanthosis nigricans screening program in certain public and private schools.

HB 2725 Talton SPONSOR: West
Relating to the destruction of records following certain expunctions.

HB 2726 Talton SPONSOR: Staples
Relating to authorizing an owner of inventory to waive the right to have the inventory appraised for ad valorem tax purposes at the price for which it would sell as a unit.

HB 2732 Talton SPONSOR: Lindsay
Relating to certain municipal orders required to be filed with the municipal secretary or clerk.

HB 2764 Garza SPONSOR: Madla
Relating to the authority of certain municipal hospital authorities to borrow money.

HB 2795 Riddle SPONSOR: Whitmire
Relating to the release on bond of certain persons arrested without a warrant.
(Committee Substitute)

HB 2799 Thompson SPONSOR: West
Relating to the application of the Uniform Municipal Courts of Record Act.

HB 2801 Giddings SPONSOR: West
Relating to urban land bank demonstration programs.

HB 2819 Driver SPONSOR: Deuell
Relating to the confidentiality of certain home address information held by a tax appraisal district.

HB 2823 Eissler SPONSOR: Shapiro
Relating to individual transition plans for certain students receiving special education services.

HB 2844 Casteel SPONSOR: Wentworth
Relating to the exemption from the requirement that a person register as a property tax consultant to perform certain property tax consulting services.

HB 2846 Farabee SPONSOR: Fraser
Relating to the authority of the State Office of Administrative Hearings to conduct certain hearings over which the Railroad Commission of Texas has jurisdiction.

HB 2847 Farabee SPONSOR: Jackson
Relating to the transfer of the powers, duties, and functions under the Texas Aggregate Quarry and Pit Safety Act from the railroad commission to the department of transportation.

HB 2856 Farrar SPONSOR: Gallegos
Relating to certain fees collected by a domestic relations office.

HB 2866 Swinford SPONSOR: Madla
Relating to coordinated inspection of certain child-care facilities for compliance with fire safety and sanitation standards.
(Committee Substitute)

HB 2881 Driver SPONSOR: Deuell
Relating to prohibiting an attack on an assistance animal; creating an offense.
(Committee Substitute)

HB 2886 Van Arsdale SPONSOR: Lindsay
Relating to certain certificates and reports filed with the bureau of vital statistics.

HB 2889 Cook, Robby SPONSOR: Armbrister
Relating to the authority of certain municipalities to issue bonds, notes, or warrants to finance the acquisition, construction, operation, or repair of certain health and recreational facilities.

HB 2895 Allen SPONSOR: Whitmire
Relating to the operations of the Texas Youth Commission.
(Amended)

HB 2898 Phillips SPONSOR: Deuell
Relating to the publication of notice in a newspaper in certain counties.

HB 2902 Phillips SPONSOR: Estes
Relating to the assessment of costs for the improvement of a road in a part of a subdivision.

HB 2916 Ritter SPONSOR: Armbrister
Relating to establishing equivalent membership service in the Judicial Retirement System Plan Two.

HB 2924 Geren SPONSOR: Brimer
Relating to the addition of territory to a public improvement district.

HB 2931 Lewis SPONSOR: Madla
Relating to the administration and finances of counties and certain other entities.
(Committee Substitute)

HB 2937 Phillips SPONSOR: Estes
Relating to the creation of the office of criminal district attorney of Grayson County and to the abolition of the office of county attorney of Grayson County.

HB 2947 Casteel SPONSOR: Armbrister
Relating to state agency decentralization of services.
(Committee Substitute)

HB 2961 Krusee SPONSOR: Armbrister
Relating to the use of municipal hotel occupancy taxes by certain municipalities.

HB 2970 Naishtat SPONSOR: Zaffirini
Relating to the state program of temporary assistance and related support services for needy persons.

HB 2985 Capelo SPONSOR: Nelson
Relating to the establishment of an office of patient protection within the Health Professions Council.

HB 2989 Capelo SPONSOR: Janek
Relating to an inquest when a body part is found and to the qualifications of a person conducting an inquest.

HB 3011 Capelo SPONSOR: Hinojosa
Relating to certain reports, information, or records related to certain health care facilities.
(Committee Substitute)

HB 3014 Capelo SPONSOR: Janek
Relating to authorizing gifts and grants of drugs and other items to certain state agencies.

HB 3017 Solomons SPONSOR: Nelson
Relating to the organization, administration, and validation of the creation and certain action of a coordinated county transportation authority.
(Committee Substitute)

HB 3024 Casteel SPONSOR: Armbrister
Relating to increasing governmental efficiency through the reduction of duplicative reporting and auditing requirements.

HB 3034 Ellis SPONSOR: Armbrister
Relating to the rates of certain retail public utilities.

(Committee Substitute)

HB 3061 Flores SPONSOR: Hinojosa
Relating to regulation of the disposal of animal remains.
(Committee Substitute)

HB 3070 Casteel SPONSOR: Averitt
Relating to reimbursement for expenses incurred by jurors.

HB 3074 Flynn SPONSOR: Staples
Relating to required activities and limits on the amounts of state financial assistance for which regional planning commissions may be eligible.

HB 3087 Hodge SPONSOR: Carona
Relating to a release or satisfaction of a judgment for child support arrearages.

HB 3102 Garza SPONSOR: Madla
Relating to the fiscal year of the Maverick County Hospital District.

HB 3109 Keffer, Bill SPONSOR: Carona
Relating to physician and health care provider panels of independent review organizations.
(Committee Substitute)

HB 3114 Dunnam SPONSOR: Hinojosa
Relating to the definition of gross income under the Family Code.

HB 3122 Truitt SPONSOR: Lindsay
Relating to the establishment of locally based demonstration projects to provide health care benefits to certain low-income individuals.

HB 3124 Truitt SPONSOR: Zaffirini
Relating to the powers and duties of the Texas Rehabilitation Commission.

HB 3125 Truitt SPONSOR: Zaffirini
Relating to certain programs provided by the Texas Commission for the Blind.

HB 3141 Wilson SPONSOR: Armbrister
Relating to stamping of cigarettes in interstate commerce.
(Committee Substitute)

HB 3167 Goolsby SPONSOR: Brimer
Relating to filing fees for certain types of actions.

HB 3174 Pitts SPONSOR: Averitt
Relating to the requirement to submit a health certificate to obtain a license to practice cosmetology.

HB 3179 Homer SPONSOR: Van de Putte
Relating to the elimination of certain membership requirements for local workforce development boards and of certain programs administered by those boards.

HB 3193 Uresti SPONSOR: Madla
Relating to the delegation of certain acts by dentists.

HB 3194 Uresti SPONSOR: Janek
Relating to an exemption for the Department of Protective and Regulatory Services from paying certain costs and fees.

- HB 3200** Hegar SPONSOR: Armbrister
Relating to certain standards for assisted living facilities
- HB 3211** Heflin SPONSOR: Van de Putte
Relating to certain veterans' assistance programs.
- HB 3229** Rose SPONSOR: Fraser
Relating to electing directors of the Blanco-Pedernales Groundwater Conservation District.
- HB 3237** Smith, Todd SPONSOR: Harris
Relating to the payment of retirement benefits to retirees of the Teacher Retirement System of Texas who are employed as substitute teachers and in other public school positions in the same month.
- HB 3264** Hunter SPONSOR: Deuell
Relating to the prevention of childhood lead poisoning.
- HB 3282** Guillen SPONSOR: Zaffirini
Relating to the authority of certain counties to impose a hotel occupancy tax and to the rate of that tax.
- HB 3303** Gutierrez SPONSOR: Hinojosa
Relating to the validation of certain acts and proceedings of the City of McAllen.
(Committee Substitute)
- HB 3308** Capelo SPONSOR: Hinojosa
Relating to the payment of wages through a direct deposit plan.
- HB 3312** Capelo SPONSOR: Hinojosa
Relating to substitution of securities by a depository for a county.
- HB 3324** Keffer, Jim SPONSOR: Fraser
Relating to the issuance of certain obligations and the imposition of assessments for the unemployment compensation system.
(Committee Substitute)
- HB 3325** Keffer, Jim SPONSOR: Staples
Relating to the creation and administration of the community telecommunications alliance program.
(Committee Substitute)
- HB 3338** Puente SPONSOR: Armbrister
Relating to the performance of a water audit by a retail public utility providing potable water.
- HB 3378** Hope SPONSOR: Shapleigh
Relating to granting statutory authority to certain governmental entities to reduce certain expenditures and to the operation of certain funds.
(Amended)
- HB 3383** Swinford SPONSOR: Estes
Relating to agricultural development districts.
- HB 3419** Davis, John SPONSOR: Lindsay
Relating to procedural and technical corrections and clarification of the Property Tax Code, procedures for the seizure and sale of property, and distribution of ad valorem tax sale proceeds.

(Committee Substitute)

HB 3420

Garza

SPONSOR: Madla

Relating to a set-aside for certain colonia access roadway projects proposed by rural border counties.

(Committee Substitute)

HB 3439

Rose

SPONSOR: Carona

Relating to the liability of certain health care practitioners for examinations and medical screenings of students.

HB 3460

Pitts

SPONSOR: Averitt

Relating to regulation of the practice of cosmetology.

HB 3461

Canales

SPONSOR: Zaffirini

Relating to the duties of the district attorney for the 156th Judicial District.

HB 3486

Delisi

SPONSOR: Deuell

Relating to a health care facility's return of certain unused drugs to a pharmacy and to reimbursement or credit under the state's medical assistance program for returned drugs.

(Committee Substitute)

HB 3503

Hartnett

SPONSOR: Harris

Relating to exculpatory clauses in trusts.

(Committee Substitute)

HB 3504

Davis, John

SPONSOR: Lindsay

Relating to the deferral or abatement of the collection of taxes on the residence homestead of an elderly or disabled person.

HB 3540

Chavez

SPONSOR: Shapleigh

Relating to a refund of an overpayment or erroneous payment of ad valorem taxes by a tax collector who performs consolidated tax collection functions.

HB 3559

Gattis

SPONSOR: Ogden

Relating to the creation, administration, powers, duties, operation, and financing of the Williamson County Municipal Utility District No. 13.

HB 3560

Gattis

SPONSOR: Ogden

Relating to the creation, administration, powers, duties, operation, and financing of the Williamson County Municipal Utility District No. 12.

HB 3562

Eissler

SPONSOR: Staples

Relating to the creation of the Southwest Montgomery County Improvement District; providing authority to impose taxes and issue bonds.

(Committee Substitute)

HB 3563

Hegar

SPONSOR: Armbrister

Relating to the creation of the Waller County Road Improvement District No. 1; providing authority to impose a tax and issue bonds.

(Amended)

HB 3565

Keel

SPONSOR: Barrientos

Relating to the creation, administration, powers, duties, operation, and financing of the Lazy Nine Municipal Utility District.

(Committee Substitute)

HB 3567 Cook, Robby SPONSOR: Armbrister
Relating to the number and method of electing directors of the Coastal Bend Groundwater Conservation District.

HB 3577 Smithee SPONSOR: Bivins
Relating to the County Court at Law of Randall County.
(Amended)

HB 3583 Goodman SPONSOR: Harris
Relating to the creation of the Great Southwest Improvement District; providing authority to impose a tax and issue bonds.

HB 3584 Swinford SPONSOR: Bivins
Relating to the Moore County Juvenile Board.

HB 3591 Pitts SPONSOR: Averitt
Relating to authorizing the strip annexation of certain property by certain municipalities.

HB 3592 West, George "Buddy" SPONSOR: Bivins
Relating to the creation of the Downtown Midland Management District; providing authority to impose taxes and issue bonds.
(Committee Substitute)

HB 3597 Dawson SPONSOR: Armbrister
Relating to the abolition of the County Court at Law of Matagorda County.

HB 3603 Smith, Todd SPONSOR: Brimer
Relating to the appointment or election of judges of municipal courts of record in the City of Bedford.

HB 3612 Cook, Robby SPONSOR: Armbrister
Relating to the creation, administration, powers, duties, operation, and financing of the Garfield Municipal Utility District No. 1.

HB 3624 Quintanilla SPONSOR: Shapleigh
Relating to electronic recordings of proceedings in the municipal court of record for the City of El Paso.

HB 3636 Cook, Robby SPONSOR: Armbrister
Relating to the creation, administration, powers, duties, operation, and financing of the Colony Municipal Utility District No. 1.

HCR 27 Ellis SPONSOR: Ogden
Conferring the Texas Legislative Medal of Honor on Colonel M. B. Etheredge.

HCR 90 Eissler SPONSOR: Staples
Memorializing Congress to expand the medical savings account program to allow states to design such programs for their employees.

HCR 92 Quintanilla SPONSOR: Madla
Designating the sopaipilla as the official State Pastry of Texas.

HCR 103 Eiland SPONSOR: Jackson
Memorializing the United States government to improve the enforcement of food import restrictions on seafood imports.
(Committee Substitute)

HCR 125 Jones, Jesse SPONSOR: Carona

Directing the Texas Department on Aging to lead a partnership of state agencies in support of a web, print, and phone-based information system for older Texans.

HCR 156 Noriega SPONSOR: Van de Putte
Memorializing Congress to enact the Citizenship For America's Troops Act to allow citizenship through service in the U.S. Armed Forces.

HCR 161 Isett SPONSOR: Van de Putte
Urging Congress to change veterans' mortgage bonds to cover all veterans who have served on active duty.

HCR 186 Gallego SPONSOR: Madla
Expressing support and encouragement for the reopening of the bridge and border crossing at La Linda to accommodate trade and tourism between Texas and Coahuila, Mexico.

HCR 204 Chavez SPONSOR: Lucio
Urging Congress to reinstate funding for the EPA Border Fund to \$75 million for fiscal year 2004.

SB 780 Armbrister
Relating to a requirement that certain irrigation systems have rain shut-off devices.

SB 1166 Barrientos
Relating to conditions of employment for a peace officer or a detention officer employed by certain sheriff's departments.

SB 1953 Van de Putte
Relating to the criminal consequences of conduct that involves the trafficking of persons; providing penalties.

SB 1956 Ellis, Rodney
Relating to the creation of the Fourth Ward Management District; providing the authority to impose taxes and issue bonds.

SCR 56 Armbrister
Directing the White-tailed Deer Advisory Committee to address how habitat relates to the ecological diversity of the state and to study the role of the wildlife biologist in the development of management plans and in the utilization of suitable management practices, including population goals and control, yearly census data, supplemental feeding and food plots, and genetic management.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Wednesday, May 28, 2003 - 2

The Honorable Speaker of the House
House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 2593

Homer

SPONSOR: Estes

Relating to winery permits.

(Amended)

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 721

(31 Yeas, 0 Nays)

SB 861

(viva-voce vote)

SB 1022

(viva-voce vote)

SB 1211

(31 Yeas, 0 Nays)

SB 1581

(31 Yeas, 0 Nays)

THE SENATE HAS REFUSED TO CONCUR IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 117

Senate Conferees: Staples - Chair/Gallegos/Janek/Whitmire/Williams

SJR 30

Senate Conferees: Lindsay - Chair/Armbrister/Barrientos/Lucio/Wentworth

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 1165

Senate Conferees: Janek - Chair/Armbrister/Brimer/Deuell/Fraser

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Wednesday, May 28, 2003 - 3

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 85 McClendon SPONSOR: West
Relating to the establishment of an undergraduate medical academy at Prairie View A&M University.

HB 325 McCall SPONSOR: Estes
Relating to the punishment for the offense of failure to identify.
(Amended)

HB 471 Pickett SPONSOR: Lucio
Relating to the borrowing of money and the issuance of notes and bonds and other public securities secured by the state highway fund by the Texas Transportation Commission; making an appropriation.
(Committee Substitute/Amended)

HB 599 Chisum SPONSOR: Jackson
Relating to the continuation and functions of the State Bar of Texas and to conflicts of interest with respect to certain persons engaged in the practice of law.
(Committee Substitute/Amended)

HB 1268 Seaman SPONSOR: Carona
Relating to outpatient drug benefit coverage in certain health insurance policies and discount drug programs.
(Amended)

HB 1538 Chisum SPONSOR: Shapleigh
Relating to the continuation and functions of the Texas Funeral Service Commission, including certain functions transferred to the commission from the Texas Department of Health, and the powers and duties of the Texas Finance Commission and the banking commissioner of Texas regarding cemeteries; providing administrative and civil penalties.
(Committee Substitute/Amended)

HB 1941 Woolley SPONSOR: Bivins
Relating to authorizing the issuance of revenue bonds to finance certain facilities and projects at certain public institutions of higher education and exempting the facilities and projects financed by the bonds from prior approval by the Texas Higher Education Coordinating Board.
(Committee Substitute/Amended)

HB 2020 Farabee SPONSOR: Duncan
Relating to financial security requirements for certain persons performing operations within the jurisdiction of the Railroad Commission of Texas.
(Committee Substitute)

HB 2424 McCall SPONSOR: Armbrister
Relating to technical changes to taxes and fees administered by the comptroller; providing penalties.
(Committee Substitute/Amended)

HB 2964

Howard

SPONSOR: Ellis, Rodney

Relating to the operation of municipal school districts and the levy of municipal school district taxes.

(Committee Substitute)

HB 3318

Luna

SPONSOR: Bivins

Relating to the creation and re-creation of funds and accounts in the state treasury, the allocation of revenue, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.

(Committee Substitute/Amended)

HB 3441

Pickett

SPONSOR: Staples

Relating to a reduction in expenditures of certain state governmental entities, including changes affecting the Commission on Human Rights, attorney general's office, management of certain accounts and funds, and certain election-related forms.

(Committee Substitute/Amended)

HB 3442

Pickett

SPONSOR: Averitt

Relating to certain expenditures and charges of certain governmental entities.

(Committee Substitute/Amended)

HB 3526

Hamric

SPONSOR: Duncan

Relating to the establishment of the research development fund to promote research at certain institutions of higher education and to the abolition of the Texas excellence fund and the university research fund.

(Amended)

HB 3554

Raymond

SPONSOR: Zaffirini

Relating to motor vehicle inspection facilities near the border of this state and Mexico.

(Committee Substitute/Amended)

HJR 28

Pickett

SPONSOR: Lucio

Proposing a constitutional amendment providing for authorization of the borrowing of money on a short-term basis by a state transportation agency for transportation-related projects, and the issuance of bonds and other public securities secured by the state highway fund.

(Committee Substitute/Amended)

HJR 44

Hughes

SPONSOR: Ratliff

Proposing a constitutional amendment to permit a six-person jury in a district court misdemeanor trial.

(Committee Substitute)

HJR 54

King

SPONSOR: Brimer

Proposing a constitutional amendment providing that certain benefits in certain public retirement systems may not be reduced or impaired.

(Committee Substitute)

HJR 55

Zedler

SPONSOR: Janek

Proposing a constitutional amendment to authorize the legislature to exempt from ad valorem taxation property owned by a religious organization that is leased for use as a school or that is owned with the intent of expanding or constructing a religious facility.

HJR 84

Uresti

SPONSOR: Van de Putte

Proposing a constitutional amendment providing for the filling of a temporary vacancy in a public office created by the activation for military service of a public officer.

(Amended)

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Wednesday, May 28, 2003 - 4

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:**HB 645**

Puente

SPONSOR: Armbrister

Relating to prohibiting the creation or enforcement of certain restrictive covenants that undermine water conservation.

(Amended)

HB 1282

McCall

SPONSOR: Duncan

Relating to commercial electronic mail; providing penalties.

(Committee Substitute)

HB 1297

Allen

SPONSOR: Armbrister

Relating to limits on indemnification of state employees and officials.

(Committee Substitute)

HB 1487

Driver

SPONSOR: Armbrister

Relating to the licensing and regulation of certain electricians; providing penalties.

(Committee Substitute/Amended)

HB 2095

Cook, Robby

SPONSOR: Staples

Relating to provision of workers' compensation insurance coverage through a certified self-insurance group; providing penalties.

(Committee Substitute/Amended)

HB 2319 Dutton SPONSOR: West
Relating to juvenile delinquency; providing a criminal penalty.
(Committee Substitute/Amended)

HB 2455 Chisum SPONSOR: Nelson
Relating to the governmental entities subject to, and the confidentiality of records under, the sunset review process.
(Committee Substitute/Amended)

HB 3035 Cook, Robby SPONSOR: Armbrister
Relating to the power of groundwater conservation districts to regulate the spacing of water wells and the production of groundwater.
(Amended)

HB 3042 Cook, Robby SPONSOR: Ellis, Rodney
Relating to the administration and functions of the Texas Building and Procurement Commission and related matters.
(Committee Substitute/Amended)

HB 3190 Uresti SPONSOR: Carona
Relating to the refund or retention by a landlord of a security deposit under a commercial lease.

HB 3384 Hartnett SPONSOR: Shapiro
Relating to associate judges appointed by certain district courts in Dallas County.
(Amended)

HB 3578 Wong SPONSOR: Ellis, Rodney
Relating to powers, duties, and name of the Upper Kirby Management District.
(Amended)

HB 3594 Gattis SPONSOR: Ogden
Relating to the creation, administration, powers, duties, operation, and financing of the Williamson County Municipal Utility District No. 14.

HB 3635 Hughes SPONSOR: Ratliff
Relating to the creation, administration, powers, duties, operation, and financing of the Upshur County Groundwater Conservation District.

HCR 258 Homer SPONSOR: Ratliff
Honoring the life of Daon Wall of Paris, Texas.

HCR 266 Homer SPONSOR: Ratliff
In memory of Donald R. Lewis, M.D., of Paris, Texas.

HCR 270 Homer SPONSOR: Ratliff
Honoring Wendell Moore of Paris on his act of heroism in rescuing Lenore Gonzalez.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 5

Wednesday, May 28, 2003 - 5

Mr. Speaker:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 3588 Krusee SPONSOR: Ogden

Relating to the construction, acquisition, financing, maintenance, management, operation, ownership, and control of transportation facilities and the progress, improvement, policing, and safety of transportation in the state; imposing criminal penalties.

(Committee Substitute/Amended)

HB 3622

Brown, Betty

SPONSOR: Deuell

Relating to the creation, administration, powers, duties, operation, and financing of the Kingsborough Municipal Utility District No. 1 of Kaufman County.

(Amended)

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

ENROLLED

May 27 - HB 21, HB 148, HB 164, HB 174, HB 195, HB 219, HB 264, HB 558, HB 562, HB 686, HB 724, HB 728, HB 778, HB 823, HB 898, HB 912, HB 913, HB 917, HB 919, HB 928, HB 1056, HB 1088, HB 1113, HB 1125, HB 1171, HB 1189, HB 1207, HB 1251, HB 1309, HB 1338, HB 1339, HB 1391, HB 1398, HB 1446, HB 1459, HB 1476, HB 1481, HB 1496, HB 1499, HB 1526, HB 1529, HB 1567, HB 1619, HB 1653, HB 1699, HB 1723, HB 1729, HB 1776, HB 1813, HB 1815, HB 1952, HB 1984, HB 2038, HB 2061, HB 2076, HB 2089, HB 2094, HB 2131, HB 2169, HB 2172, HB 2200, HB 2227, HB 2300, HB 2328, HB 2341, HB 2518, HB 2558, HB 2561, HB 2654, HB 2786, HB 2887, HB 2930, HB 2975, HB 3075, HB 3128, HB 3139, HB 3152, HB 3213, HB 3214, HB 3221, HB 3235, HB 3242, HB 3517, HB 3556, HB 3561, HB 3595, HB 3605, HB 3607, HCR 9, HCR 15, HCR 34, HCR 73, HCR 89, HCR 251, HCR 261

SENT TO THE GOVERNOR

May 27 - HB 15, HB 21, HB 147, HB 149, HB 156, HB 157, HB 261, HB 284, HB 294, HB 346, HB 510, HB 529, HB 581, HB 623, HB 630, HB 722, HB 725, HB 729, HB 755, HB 804, HB 816, HB 845, HB 864, HB 882, HB 917, HB 1024, HB 1152, HB 1197, HB 1208, HB 1330, HB 1394, HB 1446, HB 1537, HB 1539, HB 1619, HB 1637, HB 1648, HB 1654, HB 1699, HB 1704, HB 1723, HB 1730, HB 1765, HB 1822, HB 1831, HB 1849, HB 1886, HB 1890, HB 1948, HB 1985, HB 1989, HB 2021, HB 2058, HB 2092, HB 2096, HB 2116, HB 2130, HB 2157, HB 2158, HB 2169, HB 2238, HB 2242, HB 2295, HB 2361, HB 2402, HB 2470, HB 2474, HB 2493, HB 2533, HB 2546, HB 2668, HB 2683, HB 2689, HB 2859, HB 2905, HB 2922, HB 2926, HB 3028, HB 3089, HB 3152,

**HB 3242, HB 3248, HB 3366, HB 3555, HB 3575, HCR 9, HCR 16, HCR 82,
HCR 248, HCR 255**

SENT TO THE SECRETARY OF THE STATE

May 27 - HJR 23, HJR 59, HJR 62